

**DRINKING WATER BOARD
PACKET**

SEPTEMBER 8, 2006

BOOK TWO

**CONTINUATION OF THE
AFTERNOON BOARD MEETING AGENDA**

**NEWS ARTICLES AND LETTERS
FOR YOUR INFORMATION**



State of Utah

Department of
Environmental Quality

Dianne R. Nielson, Ph.D.
Executive Director

DIVISION OF DRINKING WATER
Kevin W. Brown, P.E.
Director

Drinking Water Board
Anne Erickson, *Chair*
Myron Bateman, *Vice-Chair*
Ken Bassett
Daniel Fleming
Jay Franson, P.E.
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Paul Hansen, P.E.
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Dianne R. Nielson, Ph.D.
Petra Rust
Ron Thompson
Kevin W. Brown, P.E.
Executive Secretary

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

**DRINKING WATER BOARD
MEETING**

September 8, 2006

1:00 p.m.

Place: 168 North 1950 West, Room 101
Salt Lake City, Utah 84116

Kevin's Cell Phone #: (801) 558-7803

1. Call to Order – Chairman Erickson
2. Roll Call – Ken Wilde
3. Introductions – Chairman Erickson
4. Approval of Minutes – July 14, 2006
 - a) Tour of Emigration Special Service District Minutes – for review
 - b) July 14, 2006 Minutes – for approval
5. SRF/Conservation Committee Report – Vice Chairman Myron Bateman
 - 1) Status Report – Ken Wilde
 - 2) Federal SRF Applications – Karin Tatum
 - a) Logan City – Ken Wilde
 - b) Greenwich Planning – Karin Tatum
 - c) CICWCD Planning – Karin Tatum
 - d) Erda Acres Planning – Karin Tatum
6. Cross Connection Commission Renewals – Ken Bousfield
7. Minimum Pressure Rule – Ken Wilde
8. Chairman's Report – Chairman Erickson

9. Directors Report
 - 1) Final 2007 Drinking Water Board Meeting Schedule
 - 2) Town of Alta's Report of Available Water
 - 3) Mountain View Hearing for the November 17, 2006 Drinking Water Board Meeting
10. News Articles
11. Letters
12. Next Board Meeting

Date: November 17, 2006

Morning:

Combined Drinking Water Board and the Water Quality Board Meeting:

Address: 168 North 1950 West, Room 101

Salt Lake City, Utah 84116

Time: 8:30 a.m. (Refreshment Break during the morning Work Meetings)

Combined Lunch at 11:30 a.m. Catered By Famous Dave's Bar-B-Que

Afternoon:

Drinking Water Board Meeting

Address: 168 North 1950 West, Room 201

Salt Lake City, Utah 84116

Time: 1:00 p.m.

13. Other
14. Adjourn

In compliance with the American Disabilities Act, individuals with special needs (including auxiliary communicative aids and services) should contact Charlene Lamph, Office of Human Resources at (801) 536-4413, TDD (801) 536-4424, at least five working days prior to the scheduled meeting.

AGENDA ITEM 10

NEWS ARTICLES

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Board

The Salt Lake Tribune

http://www.sltrib.com

Article Last Updated: 8/30/2006 01:25 AM

Utah and Nevada lawmakers meet

Vegas water project: Both groups agree that the federal groundwater study is paramount

By Joe Baird
The Salt Lake Tribune

Salt Lake Tribune

BAKER, Nev. - Legislators from Utah and Nevada met over bacon and eggs at the state line on Tuesday in a bid to understand each other's thinking about a controversial plan by Las Vegas water officials to take groundwater from this state's arid eastern valleys to quench the growing thirst of Clark County.

What the two groups discovered is that they - at least the dozen or so lawmakers who showed up - are largely in agreement: The proposal by the Southern Nevada Water Authority must at least be slowed until an ongoing U.S. Geological Survey (USGS) analysis of the region's groundwater resources, including those that sit under Utah's west desert, is completed next year.

"All of us want growth and the good things that come from it. But at what price?" asked Harry Mortensen, a Nevada assemblyman from Las Vegas. "The big issue is, we really don't know yet what this [project] will do. The only way we will know is to test. If the tests show there's enough water for everybody, great. If not, we need to start looking at other alternatives."

Rural Nevada lawmakers have been battling the project for the past two years. It is only more recently that southern Nevada-based legislators began asking more questions about the plan for wells connecting to a long pipeline.

"Frankly, a lot of us don't understand it, but as we do come to understand it, we'll make better decisions," said Barn Maybe, another Las Vegas area assemblyman. "People in Las Vegas are tired of all the growth. In the end, I think we'll do the right thing."

Southern Nevada water officials have sought to expedite the project in order to ensure it is operational by 2015, about the time Southern Nevada Water Authority General Manager Pat Mulroy says Clark County's current water resources will be tapped out. The Nevada state engineer will commence hearings next month on the water authority's permit application.

One key element as the project goes forward is getting an agreement with Utah on how to divide groundwater resources in the Snake Valley, which straddles the state line for about 100 miles. The water authority is seeking to take about 25,000 acre-feet annually from the valley, out of about 180,000 acre-feet that is being sought for the whole project.

Utah lawmakers who attended Tuesday's meeting, all members of the interim Natural Resources, Agriculture and Environment Committee, also expressed varying degrees of skepticism about the Southern Nevada Water Authority project. Several legislators said they too want to see the process slowed - even as the state's Department of Natural Resources negotiates a deal with Nevada that its director, Michael Styler, says will be finalized before the USGS study is complete.

"Not all the people in our state, certainly the [elected officials] are on the same page," said Rep. Jackie Biskupski, D-Salt Lake City, an outspoken opponent of the pending Utah-Nevada deal.

Utah legislators began their two-day visit to Snake Valley on Monday, with a tour of the ranches and springs around Callao, and a public hearing at West Desert High School in nearby Trout Creek.

Styler promised lawmakers from both states that, even though the Utah-Nevada agreement will be finished before the federal groundwater study, enough flexibility would be built into the deal to accommodate the USGS results.

Utah and Nevada hydrologists, he said, are just now concluding research into how much Snake Valley water has been allocated and how much is actually being used. Combining that with the basin's historic recharge rate - roughly 100,000 acre-feet a year, he said - should give them a good idea of how much water will be available, both for the Southern Nevada Water Authority and existing users.

"We're trying to determine appropriate use," Styler said. "But we will protect existing water rights."

Bountiful aims to cut water use

Chad Phares

BOUNTIFUL — Bountiful residents who love to water their lawns may soon be asked to cut back on the amount they use. The Bountiful City Council unanimously approved a water conservation plan Tuesday night that calls for a 3 percent decrease in water use by city residents. The plan calls for the decrease to be completed by August 2009.

Bountiful City intern Malinda Okerlund, who presented the plan to the council, said it is important to inform residents about the changes being made. Although Bountiful City Manager Tom Hardy said that 3 percent may not seem like a lot, it would make a significant difference. "We use about 1.5 billion gallons of water a year, so three percent means around 45 million gallons," Hardy said. According to the plan, the city must "keep city-preferred water conservation practices in the public eye" and "inform the public about being wise stewards of water."

The plan also calls for analysis of water rates as a possible tool to help the city maintain low levels of water waste.

"Comparing rates and and projecting the repercussions and/or consequences of changing city water rates will be a large-scale project that will take many man-hours and a lot of thorough analysis," according to the plan.

City Council member Richard Higginson said he thinks the city should try to avoid raising rates.

"I don't think we should punish anyone for trying to help out," Higginson said.

The rate assessment is scheduled to be completed by July 1, 2008.

The city will also look at updating the landscape feature list in an effort to aid water conservation.

"People like to have nice yards with plants, but sometimes we forget we live in a desert," Bountiful mayor Joe Johnson said.

"Maybe it's time we start looking at how much water we are using to preserve our yards."

Any landscaping changes to be made should be decided on by March 31, 2007.

The plan also calls for an education program for water conservation practices.

The education program is set to consist of an update of the Bountiful City Water Department Web site, sending letters to homes that inform residents to reduce water use and creating an education plan to be presented in public schools.

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deseretnews.com

Deseret Morning News, Sunday, August 27, 2006

Is Las Vegas out of water options?

*Rural water necessary, agency official warns***By Launce Rake**

Las Vegas Sun

LAS VEGAS — Las Vegas has run out of options for water and will see growth pinched off in seven to 10 years unless plans are approved to pump groundwater 200 miles south from rural White Pine County, a water agency official said.

The assessment by Pat Mulroy, general manager of the Southern Nevada Water Authority, is the strongest warning to date about a looming water shortage.

In recent years, drought in the West and a failure to find other water sources have left the agency with just one option, Mulroy said: The water must come from groundwater in White Pine and other rural parts of the state.

White Pine rancher Dean Baker and county Commissioner Gary Perea said they don't believe the water authority's analysis of the amount of water underground in their county nor the predicted effect the groundwater plan will have on their ranches, farms and the environment.

They said they do not trust the agency's promises to stop pumping if the environment is hurt.

"It's not about politics or money or whatever. It's about water," Baker said.

Mulroy acknowledged that her sharp warning was, in part, due to her anxiety about how the state will rule on the plan. The state's top water official, State Engineer Tracy Taylor, has scheduled hearings in September before deciding whether to approve the agency's proposal to pump the water more than 200 miles.

Mulroy said the economic effect of a denial would be immediate. Even before the agency could appeal the decision in court, lenders who bankroll construction and business expansion in Las Vegas would begin turning down loans, she said.

"There's a whole market collapse that would happen," Mulroy said. "The whole economic confidence of southern Nevada would start eroding."

The argument ups the ante in a fight over the Southern Nevada Water Authority's plan to pipe 200,000 acre-feet of water a year from rural Nevada to Las Vegas.

Mulroy and her staff have argued consistently that the agency must find new sources of water to complement the 300,000 acre-feet drawn annually from the Colorado River, which supplies 90 percent of the local demand. An acre-foot of water can supply up to two homes per year.

Six years ago, Mulroy said river water surpluses could supply the growing needs of the region for decades. But drought coupled with growing demand from other states has effectively killed expectations for surplus water.

Mulroy has lined up union, business and political leadership to testify on behalf of the Water Authority at September's hearings, which will cover applications to take 91,000 acre-feet annually from the Spring Valley in White Pine County.

Witnesses expected to testify against the plan include ranchers and environmentalists. Representatives of the National Park Service, the U.S. Fish and Wildlife Service and the U.S. Geological Survey are scheduled to speak, but could withdraw their opposition.

Although the region has stopgap sources, such as water banked here and in neighboring states, Mulroy said, southern Nevada could run out of water for growth as early as 2013.

In 2004, the agency commissioned a study on the economic effect of stopping growth.

The study by financial analysts Guy Hobbs and Jeremy Aguero found a sudden end to growth in Clark County could lead to hundreds of thousands of unemployed people in Las Vegas and more than \$200 billion lost in state tax collections over 14 years.

The effect would extend beyond Clark County. Two-thirds of all state tax revenue comes from southern Nevada's cities, and 15 percent of state revenue comes from construction, Aguero said. If the construction industry started to shrink, tax

revenues would fall.

Billy Vassiliadis is head of the marketing firm R&R Partners in Las Vegas and has clients including the Water Authority, the Nevada Resort Association, and the Southern Nevada Home Builders Association.

He said growth is a mixed blessing for the region, but growth is here to stay. The water authority has to serve the growing demand, he said.

"On the one hand, clearly, growth creates service demands, and not just water demands. At the same time, growth has also become government's cash flow in a state where we don't have things like income tax, other sources of stable revenue," he said. "We have become somewhat dependent on growth because of the construction industry."

Clark County's economic well-being supports and sustains schools, roads and health care all over the state, he added.

Arguments about growth in Las Vegas do little to reassure environmentalists and White Pine ranchers opposed to the project.

For them, the question is also about survival. They don't trust the agency's promises that it will not harm the water supply in White Pine County. They also fear that once pipelines are built to Las Vegas and the water turned on, the state engineer would never turn it off, even if the water table falls in their county.

Baker said water tables already are dropping in White Pine County from area agricultural uses that don't come close to the amount the water authority wants to take.

"What we're doing is a drop in the bucket compared to what southern Nevada is doing," he said.

Baker, one of a couple of dozen Nevada ranchers in the region, questioned the wisdom of new water supplies fueling continued growth.

"By definition, something that has to survive on growth is going to die sometime," Baker said.

Perea said he wants to see the water stay in his county for economic development — more homes and people, perhaps a ski resort.

"Who's to say that it's not White Pine County that is the future of Nevada?" he said. "The future of Nevada is not necessarily in Clark County."

Jim Deacon, a professor emeritus of environmental studies at the University of Nevada, Las Vegas, has argued on behalf of environmentalists against the groundwater plan.

"The fundamental flaw is the idea that you must maintain constant growth in Las Vegas," he said. "There is some point in time where we will reach a resource limitation. We have neither infinite resources nor infinite space in which we can expand."

Deacon, the White Pine critics and some hydrologists argue that the water authority has overestimated the amount of water it can take from Nevada's rural valleys.

The water authority has argued that it won't know how much water is there for the taking until it starts pumping and gauging the effect.

Both sides could continue to fight over the issue well past the September hearings. If Taylor, who took over the office two months ago, follows precedents established in previous contentious water issues, he will let the water authority take only a portion of its request, ramping up the amount the agency can take over a period of years.

If one side or the other believes the state engineer's decision is unfair, they can appeal to state courts. The water authority also is keeping the option open to take the issue to the Legislature.

deseretnews.com

Deseret Morning News, Sunday, August 27, 2006

Treat water rights carefully

Deseret Morning News editorial

Thoroughness and long deliberation — those are two things that should go hand-in-hand with any long-term water decisions in the West. Unfortunately, there is nothing patient or deliberate about the growth rate in Las Vegas, which threatens to wreak havoc on ranchers and other stake-holders who are trying to sustain life in the arid region.

The Church of Jesus Christ of Latter-day Saints (which owns this newspaper) recently sent a letter to the Nevada state engineer, asking him to delay approving a groundwater pumping project that would impact water under a church ranch until after a U.S. Geological Survey study is completed. The study will show whether the project would use water already belonging to people who have rights to it.

In our Opinion
EDITORIAL*Deseret Morning News Archives*

Another part of this same project, in Snake Valley, would pump 25,000 acre feet from an underground aquifer that reaches well into Utah, which raises a host of legal issues. Recent reports indicate that Nevada politicians may be putting pressure on members of Utah's congressional delegation to sign an agreement that allows the project to proceed. Supposedly, a Washington County lands bill is being held as ransom.

Regardless whether these allegations are true, only sound geologic information and existing water rights should determine whether these projects proceed.

The Snake Valley proposal is troublesome because it may jeopardize greasewood trees that live in the desert and are an import part of the area's ecosystem. These trees receive their nourishment primarily from underground aquifers. Without them, the area could become polluted by dust storms that may threaten wildlife, as well as the Utah Test and Training Range.

Some people worry the pumping project could cause the spread of ancient alkaline aquifers beneath the salt desert — polluted water now held in check by fresh water. If these worries come true, fragile deserts in western Utah could suffer an ecological catastrophe that makes living and ranching there virtually impossible.

Las Vegas does indeed face enormous challenges as it continues to grow. It can't realistically expect to obtain any more water from the Colorado River. However, it shouldn't be allowed to take water from people with existing rights or to destroy an ecosystem. Science must be the guide, and Las Vegas must face up to the possibility that its environment may limit its growth.

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*Deseret Morning News Archives*

deseretnews.com

Deseret Morning News, Friday, August 25, 2006

Utah Lake System pipeline construction to start in '07

Associated Press

PROVO — The design for the Utah Lake System pipeline project is complete, and construction should begin next year, but it could be 10 years before south Utah County residents see their share of the water flowing from Strawberry Reservoir.

The Utah Lake System is one of the Central Utah Water Conservancy District's projects seeking to develop central Utah's water resources.

Mark Breitenbach, project manager of the Utah Lake System, said, "We're waiting still for the start of construction, which we're anticipating to start in 2007 with the construction of U.S. 6."

The pipeline will start at Diamond Fork. A total of 60,000 acre-feet of water will go to water users.

Half of that is earmarked for Nephi and the 10 cities of the South Utah Valley Municipal Water Association, which includes Elk Ridge, Genola, Goshen, Mapleton, Payson, Salem, Santaquin, Spanish Fork, Springville and Woodland Hills.

The remainder of the water will be pumped north. The 19-member Jordan Valley Water Conservancy District will receive 21,430 acre-feet and the Metropolitan Water District of Salt Lake City and Sandy will be able to use 8,570. Users in the north part of the project will get water first.

Because of the wait for U.S. 6 construction, the project's completion date may be 10 years away. Still, cities are preparing now to hook up, using grants to install compatible systems.

Geoff Dupaix, a Utah Department of Transportation spokesman, said that \$500,000 for the design and analysis of improving U.S. 6 was approved in June by the state transportation commission.

Dupaix said that the money will go toward designing a construction plan that will work both for the Utah Lake project and for UDOT's work on U.S. 6.

"If you added up the cost of doing both projects independently and the cost of doing them together, you'd save \$20 million," said Christine Finlinson, spokeswoman for the water conservancy district.

Breitenbach said the south Utah County cities are installing compatible systems with \$5 million grants through the conservancy district. Spanish Fork's system is ready to go. Payson got a grant for having a compatible system that will work with the pipeline. Santaquin got a grant two years ago for its system, and Salem got its grant last year.

"In terms of water for the cities, it's going to provide some water that they otherwise would not have, but it's also going to provide a pressurization," Breitenbach said.

The pressure is what Payson is looking forward to, Payson City Engineer Glade Robbins said.

There is enough water now, but the city is growing and pressure already is low.

"There's so many users that use it at the same time, it's difficult to keep the pressure up," Robbins said.

The project depends on the need for irrigation to decrease in the next 10 years as well. A temporary supply of 20,000 acre-feet is being used for agricultural purposes now, but the project's estimated 2050 needs depends on farmland being developed into homes that will use less water.

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Deseret Morning News, Tuesday, August 29, 2006

Utah legislators visit Snake Valley

*Ranchers oppose Nevada plan to pump groundwater***By Joe Bauman**

Deseret Morning News

About a dozen Utah legislators on Monday visited the desert valley where Nevada water officials want to pump groundwater to Las Vegas, according to a rancher involved.

Meanwhile, in Salt Lake City, Sen. Bob Bennett, R-Utah, neither confirmed nor denied a report heard by ranchers that Nevada's senior senator would hold a Washington County land bill hostage if Utah were to thwart the pumping project.

When Bennett visited with Deseret Morning News editors and reporters Monday, he was asked about a report the Snake Valley ranchers heard. The story was that Sen. Harry Reid, D-Nev., the most powerful Democrat in the Senate, was threatening to prevent passage of the Washington County land bill that Bennett and Rep. Jim Matheson, D-Utah, are sponsoring, if Utah were to thwart the pumping project.

"We're having a conversation with Harry about both issues simultaneously," Bennett said.

Does that mean there is a connection?

"There's a connection that both issues are being talked about at the same time," Bennett replied, "but I don't know if it would be accurate to say something would not happen if the other didn't happen."

The Clark, Lincoln and White Pine Counties Groundwater Development Project could pump up to 176,000 acre-feet of underground water to the Las Vegas area. More than 50,000 acre-feet could come from Snake Valley, a long valley straddling the Utah-Nevada line.

Ranchers and conservationists fear that taking water from the valley could cause a disastrous depletion of water in the region.

Cecil Garland, a rancher from Callao, Juab County, and others who live in the region showed Utah lawmakers around the area on Monday.

"We had a really good bunch," Garland said in a telephone interview.

Those legislators also met with a resident of a California county where water was taken from Owens Valley for use in Los Angeles, he said.

"He gave us an excellent description of what happened," Garland added.

The Californian said that at the beginning of the project involving Owens Valley, people were assured only a little water would be removed and it wouldn't cause any disturbance.

"They took everything they could get their hands on," he said.

Garland showed legislators what could happen when vegetation is removed from the dry valley in Utah. Residents are worried that if the water table drops, plants will die.

"I showed them some springs that have been affected by the drought and by our own pumping," he added. "They were impressed. They're really an excellent bunch."

The legislators may meet with their counterparts from Nevada on Tuesday, he said.

Concerning the question about Reid's involvement in the groundwater and land bill issues, Bennett said, "Obviously Harry would be happier if both things got resolved at the same time."

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The Salt Lake Tribune

http://www.sltrib.com

Article Last Updated: 8/24/2006 12:42 AM

Tainted plume no closer to SLC drinking-water well

500 South, 1500 East: It rained enough not to have to draw from well

By Judy Fahys
The Salt Lake Tribune
Salt Lake Tribune

A chemical plume inching toward an east bench drinking-water well in Salt Lake City made no progress this summer.

That's good news for residents who have been worried that the perchloroethylene, a dry cleaning and degreasing solvent, might end up in their water. It's also good news for public officials who have been pushing for federal funding that can be used to address the contamination before the chemical makes the well unusable.

Salt Lake City Council member Dave Buhler said a U.S. House budget contains \$700,000 to address the chemical plume. Now he's hoping the U.S. Senate will include the money, too.

"The only thing that is a little bit of a disappointment is that the city would have to put any [matching] money in it," said Buhler.

Perchloroethylene, also called PCE, has been a problem all over the nation, everywhere there are dry cleaners. Colorless and sweet-smelling, the chemical travels readily in underground water and only small amounts are needed to contaminate a water supply.

It is considered a possible carcinogen to those who are chronically exposed. But, in small amounts, it can cause dizziness, sleepiness, headache, nausea and skin irritation.

Jeff Niermeyer, deputy director of the Salt Lake City Department of Public Utilities, said there is an ongoing investigation by state and federal environmental protection officials to identify the source of the contamination. Three wells in the area have detected levels of perchloroethylene between 11 and 320 parts per billion (ppb).

The contamination is bounded by 500 South and Sunnyside Avenue (825 South) and by Guardsman Way (1580 East) and 1300 East.

In the city well, at 500 South and 1500 East, a test in 2004 turned up 2 ppb of perchloroethylene, about 3 ppb under the maximum level allowed by the U.S. Environmental Protection Agency.

It rained enough this year that the city did not have to rely on the 500 South and 1500 East well, Niermeyer said. That helped prevent the contamination from being drawn into the water supply.

"We did test it," he said, "and it did not test with any PCE in it."

And, if the federal dollars come through, it should be relatively simple to treat any contaminated water that does enter the system.

In a January meeting about the plume, many residents said they did not want to have the area designated for cleanup under the federal Superfund because that might take a considerable amount of time and the stigma might be attached to nearby property.

fahys@sltrib.com

What is it?

Perchloroethylene is a solvent commonly used in dry cleaning and as a metal degreaser. It also can be found in paint stripper, spot remover and shoe polish.

Perchloroethylene can cause liver and kidney damage and the U.S. Environmental Protection Agency is re-evaluating its likelihood of causing cancer. In smaller doses, it can cause dizziness, headache, nausea, confusion and skin irritation.

The book and movie *A Civil Action* is based on one community's lawsuit blaming the chemical for a leukemia cluster near Woburn, Mass.

What is perchloroethylene?

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deseretnews.com

Deseret Morning News, Thursday, August 24, 2006

Groundwater dispute heats up

By Joe Bauman

Deseret Morning News

The Utah-Nevada dispute is heating up over groundwater in the Snake Valley, which Nevada wants to pump to Las Vegas.

Next week, Utah legislators will travel to the western Utah region of Callao, Juab County, to meet with ranchers and environmentalists worried about what they see as a possible water grab by Nevada. Meanwhile, on Wednesday, residents of the region say they filed a petition with the Nevada Supreme Court challenging a rule that keeps some from asserting official protests against the project.

"I think most of all we need to hear from the folks that live out there and their concerns," said Rep. Jackie Biskupski, D-Salt Lake, who helped organize the trip.

The trip, scheduled for Monday and Tuesday, is by the Legislature's Natural Resources, Agriculture and Environment Interim Committee and the Natural Resources Appropriation Subcommittee.

"The last thing we need is an area where it's just a sandstorm every day," Biskupski said. "That'll just ruin the lives of the people who are there."

Biskupski estimated that at least 20 lawmakers may visit the region. Steve Erickson, a Salt Lake activist who helped organize the visit, said the Utah legislators may meet with some of their Nevada counterparts.

The Nevada state rule says interested parties needed to file a protest at the time of the application for the groundwater, which was in 1989, to have standing now to make an official protest. Plaintiffs, which include the Great Basin and Utah chapters of Trout Unlimited and Defenders of Wildlife, say that violates their constitutional rights and isn't fair as many weren't aware of what was going on in 1989 and others who have water rights today did not own them 17 years ago.

At issue is the "Clark, Lincoln and White Pine Counties Groundwater Development Project," which could pump up to about 176,000 acre-feet of underground water and pipe it to the Las Vegas area.

Five aquifer basins are involved in the project. Two of interest to Utahns are the Snake Valley Project and the Spring Valley Project. Snake Valley straddles the Utah-Nevada line, and its underground water affects ranchers and the environment in both states. Spring Valley is the location of the approximately 4,000-acre Cleveland-Rogers Ranch, owned by the Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-Day Saints.

The ranch is part of the church's Welfare Services Department and provides assistance to the poor.

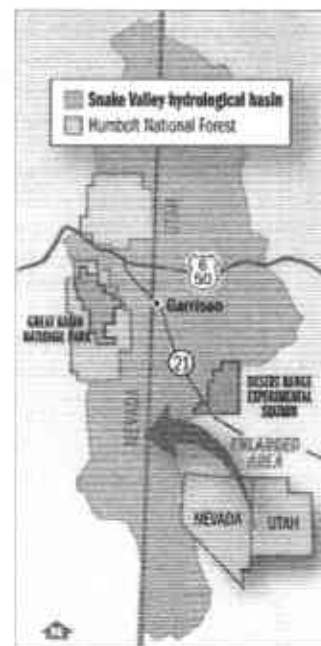
An attorney for the LDS Church recently sent a letter to the Nevada state engineer, expressing concern about the amount of water available in Spring Valley and advising that no decision should be made until completion of a groundwater study by the U.S. Geological Survey late next year.

Water requests for the Spring Valley Project amount to 91,220 acre-feet while the Snake Valley Project has requests up to 50,680, said Tracy Taylor, the Nevada state engineer.

While that is the total possible diversion, less than that might actually be needed. "There's been talk they're asking for 25,000" acre-feet Taylor said, referring to the Snake Valley portion.

On Wednesday, nearly 50 residents of Nevada and Utah, joined by conservation groups, asked the Nevada Supreme Court to overturn a ruling that only those who filed protests in 1989 have standing to launch official protests now. A press release from the group petitioning the high court said the Nevada state engineer denied their right to protest on July 27.

A public hearing is scheduled on the Spring Valley applications in September, Nevada State Engineer Tracy Taylor said. He affirmed the 1989 date.

*Deseret Morning News graphic*

"The protest period is defined by statute, and that time to protest was 1989," he said. "We allow for public comment at the hearing."

A day has been set aside for public comment, he said. Both official protests and public comments can give evidence. But only those who protested in 1989 will be able to cross-examine other witnesses, he said.

After the hearing, which will last through September, the public will be able to file additional comments for 30 days. "Sometime after that" Taylor will decide on the water rights, Taylor said.

Asked if the decision should be made after the USGS finishes its study, he said, "That's an argument that could be presented at the hearing."

Ken Hill, a resident of Partoun, Juab County, is among those filing the petition. Some neighbors "were just young kids at the time (1989) and obviously they couldn't do it," file protests, he said.

Also, communications to the remote desert region "were really poor back then ... so we just didn't hear about it, basically."

Cecil Garland, a rancher in Callao, Juab County, said his daughter is 30 years old. But in 1989, she was only 14, unable to file a protest.

"She is disenfranchised, and that goes for a great many of us," he said. Those are people who didn't have the interest at the time, were not aware of the water crisis and "who couldn't envision the drought that we had."

Ed Alder, one of those filling the petition, lives in Trout Creek, Juab County. He is the "teacher and principal and bus driver" for West Desert School in Trout Creek. He also has a cattle ranch and water rights.

In 1989, he said, "I wasn't even aware that water rights were being filed upon."

Also, when water is used for irrigation in the region, most of it eventually runs back into the aquifer. But with trans-basin diversions, he said, "the water will be removed permanently from the aquifer."

Garland said if the water table drops, it could kill the greasewood shrubs that anchor the desert soil.

"Those roots can only go down about 45 feet in search of water," he said. "If you lower the water table down below those roots and they die, you don't have anything to hold the fine sands and silts together on the valley floor."

The result, Garland said, would be "blowin' dust storms."

E-mail: bau@desnews.com

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American Fork officials propose separating water systems

\$47 M over 28 years: The plan would separate drinking water from that used to irrigate lawns and gardens

By Tyler Peterson The Salt Lake Tribune
Salt Lake Tribune

AMERICAN FORK - A majority of residents in this Utah County community use drinking water to irrigate their lawns and gardens.

City officials want to ask all residents - via the ballot box next November - whether they are willing to pay \$47 million over the next 28 years to create a separate, fully pressurized irrigation system.

The move would preserve precious drinking water solely for human consumption.

If voters agree, they would pay for the irrigation system through their water bills.

"It would be nice if we could postpone this system . . . but by the time we accumulated the money, it would cost three times as much," Mayor Heber Thompson said during a Tuesday meeting where the council unanimously agreed to the ballot issue.

The council supports a full system, even though a city-contracted engineer said a partial, \$18 million system could meet the city's needs.

"The return on the investment came quicker than on the full system," said John Schiess, with Horrocks Engineers. "We made that recommendation for a reason."

However, council members fear that if a partial irrigation system is built, the costs of providing culinary water would be more over the next 30 years than if a full system is built now.

"They'd rather err on the side of caution. . . . I don't disagree with that," Schiess said.

Council members also said it wouldn't be fair for only part of the city to be on a secondary irrigation system.

"In the long run, the costs will be less, and the disruption in people's lives [caused by construction] will be less under a full system," said Councilman Shirl LeBaron. "It's the most economical and equitable system."

Councilman Jimmie Cates says the new irrigation system would ensure a bright future for the city.

"What we do today is not for today," he said. "The decisions that we make at the present time will be for future generations."

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Board

Monday, August 21, 2006

Ahhhh! Provo H2O used to promote city

[\[Print\]](#)

HEIDI TOTH - Daily Herald

There's something lacking from Provo's mountain spring water.

That something is mineral chunks so large a glass of water can double as a meal, as found in other parts of the country.

Provo city officials actually think their water is so good, they're bottling it and using it as a marketing tool for the city.

"We often don't do a very good job of tooting our own horns, and this is something we can do that we think will be kind of fun," said Public Works Director Merrill Bingham, the force behind the water project.

After months of discussion, the city started bottling spring water from South Fork in Provo Canyon about two weeks ago. Since then, it's appeared at Municipal Council meetings, city functions and, appropriately, a golf tournament sponsored by the Central Utah Water Conservancy District to which Bingham was invited. Several city offices also have a healthy supply of it.

"When they meet and have a need for a cold drink of water, that's what they'll use," he said.

Thus far, the response has been positive, said city spokeswoman Raylene Ireland.

"We have spring water in Provo that is of the finest quality, and we're really proud of it," she said. "I am not a connoisseur of waters, but I understand from those who are that this is good."

The city bottled 5,000 16.9-ounce bottles in the first go-round, the value of which, based on the price the city sells water to customers, is about 39 cents for the entire batch. Each bottle costs about 48 cents to produce.

All the water comes from South Fork. Bingham said the city's water comes from numerous sources, which helps during years of drought, but the South Fork water is the highest quality, and "that's what it says on the label."

The transparent blue bottles have dozens of water droplets on the label and include a tip about conserving water, proclaiming, "Every drop counts."

"Sometimes it helps people to have kind of a visual when you talk to them about various things," Bingham said.

The water is not for sale, he said. When doing research and talking with other cities who had done this he was advised that bottling water for profit isn't worth it, but doing so for an image tool works wonders. That's not to say the city will never sell bottled water, but it hasn't been discussed at this point and probably won't be for a while.

Bingham said he could possibly envision a public-private partnership, but there is no interest in competing with the private sector.

"We haven't really talked about it," he said.

In the meantime, he's looking around at other bottlers to see about reducing the costs, listening to feedback about the quality of the product and how the bottle looks, and looking forward to the city's next fun run or 5-kilometer race.

"I can envision us dropping off a few cases, maybe a couple of iced-down coolers of it," Bingham said.

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This story appeared in The Daily Herald on page A1.

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Monday, August 21, 2006

All systems go for Utah Lake System pipeline design

[Print](#)

NATALIE EVANS - Daily Herald

The design for the Utah Lake System pipeline project is complete, meaning that 30,000 acre feet of water is closer to coming to south Utah County.

However, it may not be as fast as cities would like. Mark Breitenbach, project manager of the Utah Lake System, said outside factors are determining when the pipeline construction will begin. The Utah Lake System is one of the Central Utah Water Conservancy District's projects seeking to develop central Utah's water resources. The water won't be coming from Utah Lake, though; it will come from Strawberry Reservoir.

"We're waiting still for the start of construction, which we're anticipating to start in 2007 with the construction of U.S. 6," Breitenbach said of the pipeline that will start at Diamond Fork and deliver water from Nephi through Salt Lake County.

A total of 60,000 acre feet of water will go to water users. Half of that is earmarked for Nephi and the 10 cities of the South Utah Valley Municipal Water Association to provide for their needs in 2050. The association includes Elk Ridge, Genola, Goshen, Mapleton, Payson, Salem, Santaquin, Spanish Fork, Springville and Woodland Hills.

Because of the wait for U.S. Highway 6 construction, the project's completion date may be 10 years away. Still, cities are preparing now to hook up, using grants to install compatible systems.

Geoff Dupaix, a Utah Department of Transportation spokesman, said that \$500,000 for the design and analysis of improving U.S. 6 was approved in June by the state transportation commission.

Dupaix said that the money will go toward designing a construction plan that will work both for the Utah Lake project and for UDOT's work on U.S. 6.

"If you added up the cost of doing both projects independently and the cost of doing them together, you'd save \$20 million," said Christine Finlinson, spokeswoman for the water conservancy district, noting that money from the project comes from a combination of state and federal grants and appropriations. The project will cost several hundred million dollars.

While 30,000 acre feet of water are slated to go south, the remainder will be pumped north. Jordan Valley Water Conservancy District, with its 19 members, will receive 21,430 acre feet and the Metropolitan Water District of Salt Lake City and Sandy will be able to use 8,570. Users in the north part of the project will get water first.

One acre foot of water is enough to provide water for four houses. The homes will also have a culinary water supply for inside, so each acre foot of the 30,000 going to south Utah County and Nephi will provide secondary water for more than four homes.

The need for more water stems from rapid growth in south Utah County.

"The need that's driving other cities like Spanish Fork city, is that they have a finite amount of culinary water," Breitenbach said.

According to Breitenbach, the cities are installing compatible systems with \$5 million grants through the conservancy district. Spanish Fork's system is ready to go, after a grant. Payson got a grant for having a compatible system that will work with the pipeline. Santaquin got a grant two years ago for its system, and Salem got its grant last year.

"In terms of water for the cities, it's going to provide some water that they otherwise would not have, but it's also going to provide a pressurization," Breitenbach said.

The pressure is what Payson is looking forward to, Payson City Engineer Glade Robbins said. The city will be a user, and while there is enough water now, the city is growing and pressure is already low.

"Our biggest problem is the pressure in the system," Robbins said. "There's so many users that use it at the same time, it's difficult to keep the pressure up."

The only city that has not consulted the Utah Lake project about connecting is Elk Ridge.

Breitenbach said that some smaller cities, such as Woodland Hills, Genola and Goshen, may not benefit by connecting now, but the project is estimated to be able to handle the water needs of residents in 2050, and will supply the water and pressurized system when needed.

The project depends on the need for irrigation to decrease in the next 10 years as well. A temporary supply of 20,000 acre feet is

being used for agricultural purposes now, but the project's estimated 2050 needs depends on the farmland land being developed into homes that will use less water.

"That demand will diminish over time as the cities continue to expand," Breitenbach said.

This story appeared in The Daily Herald on page D5.

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Deseret Morning News, Friday, August 18, 2006

Church concerned over water plan

*LDS letter asks that Nevada not get an OK, pending study***By Joe Bauman**

Deseret Morning News

A controversial project to pump groundwater in Nevada should not be approved until a U.S. Geological Survey study is completed, says a letter from the Corporation of the Presiding Bishop of The Church of Jesus Christ of Latter-Day Saints.

The proposed project would use underground water resources in Spring Valley, White Pine County, Nev., where the church operates a ranch. It is part of the Southern Nevada Water Authority's larger "Clark, Lincoln and White Pine Counties Groundwater Development Project," which would pump and pipe about 200,000 acre-feet of water per year from seven hydrologic basins, including Spring Valley, with most going to the Las Vegas area.

Another piece of the project is in Snake Valley, which straddles the Utah border. Some Utah officials, ranchers and environmentalists have expressed concern about the Snake Valley proposal because it would use an underground aquifer that affects both states.

Water needed by Utah ranchers and the environment could be taken by the Snake Valley project, say the project's critics.

The Aug. 4 letter sent by lawyer Bruce Findlay on behalf of the Corporation of the Presiding Bishop of the LDS Church, to Tracy Taylor, Nevada's state engineer, notes that the water district filed applications to appropriate public waters near the Cleveland-Rogers Ranch, about 4,000 acres. The ranch is part of the church's Welfare Services Department, "which provides assistance to the poor through growing crops and raising cattle that are used to provide food for the needy."

The corporation owns surface and groundwater rights in the Spring Valley area for watering about 1,500 cows and calves.

The church doesn't object to the authority's proposed development as long as the Nevada state engineer shows a reasonable likelihood that there is enough unappropriated water available for it.

But the church "desires to express concern about the impact that the pending applications will have . . . if the sources proposed for development will draw upon sources that are already appropriated," Findlay wrote.

"We understand that many of the waters of the state of Nevada have been fully appropriated," the letter states.

According to a USGS Web site, a law that Congress passed in 2004, the Lincoln County Land Act, required the agency to study water quantity and quality in White Pine and Lincoln counties, Nev., "and adjacent areas in Utah." The studies, which will involve Nevada and Utah water experts, are to be finished in late 2007.

"In consideration of all that is at stake, our client requests the state engineer to withhold approval of the pending applications until the USGS completes its studies and submits a technical report showing that the water is available."

The letter questions whether Taylor will have an adequate technical basis to make a decision on the project before the USGS studies are completed and public.

"This decision will have a long-term effect on the future of all residents, landowners, and water right holders in eastern and southern Nevada," Findlay wrote. It will affect "water resources, land, wildlife and overall quality of life" of Nevada residents.

A member of the Nevada state engineer's office told the Deseret Morning News that a hearing on the project will be held Sept. 11 at Carson City in the Nevada Legislature Building.

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Article published Aug 17, 2006

Water highlights concerns for Enoch Council

• Zone change, storm drain fees also on agenda

By **RYAN DIONNE**
rdionne@thespectrum.com

ENOCH - Water was one of the primary concerns at Wednesday's Enoch City Council meeting, but councilmen also discussed a possible zone change and storm drain impact fees.

One of the water issues discussed at the meeting revolved around the city's water rights, or lack thereof.

"We need to keep Enoch's water, Enoch's water," said water board member Scott Zingelman.

The water board recommended that Enoch aggressively pursue obtaining extra water rights and not rely solely on what is acquired through development.

If Enoch has excess water, the board said, then the city is in a better position to bring in commercial developments, such as apartments.

"You have to have extra water to protect yourself," said Dilworth Armstrong, a water board member.

However, Arlen Grimshaw, who was previously tasked with finding potential water rights, said it isn't a cheap endeavor.

"It's a bidding war," he said.

Not only would Enoch be bidding against cities like Cedar City, but the city would bid against private citizens and developers too.

Enoch's budget does have \$100,000 set aside which could be used for purchasing water rights, but there are certain stipulations that need to be worked around first.

"Water rights are not something that we need to take lightly," Zingelman said.

Another water issue discussed at the meeting revolved around storm drains and flooding.

"One of the big challenges in the city, right now, is storm drainage," said Enoch City Manager Larry Brough.

The council, which is considering imposing a storm drain impact fee, decided to finish conducting a study to help determine the amount of the fees.

But before an impact fee is imposed, a public hearing must take place, which was scheduled for Sept. 6.

The council also heard public comments regarding a possible zone change for the Village Green Farms subdivision.

While people spoke for and against the potential zone change, which would allow subdivision residents to split their land into half-acre lots, the council decided to table the issue until Sept. 20.

In the meantime, the council will gather more information and determine what long- and short-term costs would be associated with the zone change.

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Article published Aug 17, 2006

Public hearing centers on Lake Powell pipeline

By MEG CADY
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CEDAR CITY - The biggest concern raised by residents at the Central Iron County Water Conservancy District's budget hearing on Tuesday surrounded the Lake Powell pipeline.

Residents questioned its necessity or even its feasibility. But CICWCD engineers insisted it may be necessary to refill Cedar Valley's dropping underground aquifer.

Lake Powell pipeline

The Lake Powell pipeline is a \$500 million project to bring 20,000 acre feet of water 158 miles up to Iron County.

Washington County will get 70,000 acre feet and Kane County will get 10,000 acre feet.

Warren Peterson, the district's attorney and a member of the Utah Division of Water Resources board, explained the county's water rights situation in regard to Lake Powell.

He said the water resources board has some 50,000 acre feet of water in the Colorado River. Several of those rights leased to other users will expire on Dec. 31.

In January, the board will reallocate those rights and Iron County has top priority.

As far as downstream states are concerned, Utah has first rights to this water through law.

Peterson said it's true that places like California, Nevada and Arizona depend on Lake Powell water, and they will be powerful friends to make sure environmental groups don't win their fight to drain the lake.

He added that the state has built some contingency into the pipeline plan for opposition from the groups for the pipeline project as well.

Peterson provided some new information to taxpayers about how the pipeline will work. He said the Division of Water Resources only will build the pipeline if there are enough subscribers to purchase the water rights in advance.

Wilson added that while the municipalities within the CICWCD borders have not purchased the water, they have expressed interest in the rights.

Peterson said no one has made the decision to build the pipeline yet.

Senate Bill 27 notes, after giving the division the authority to build the pipeline, that construction will be contingent upon selling 70 percent of the shares up front.

Peterson insisted the state is hiring people to look at the feasibility of the project, and CICWCD's part is to follow that process through engineering plans and environmental statements.

"The money is spent as we go to decide if this even works," he said.

Board member Justin Wayment added that he is not completely sold on the idea of the pipeline. The district can also back out if it turns out not to be the right option.

"We have to be on board," he said. "We can always get off the train. I'm not sold on the pipeline even now, but we do have to be on board and be ready (if we need the water)."

He said the valley is mining the aquifer, and if residents draw too much, it will be permanently damaged.

"The trick is to not mine the aquifer," Wayment said. "We have got to do something for our kids. We are trying to get

educated so we can make the right decision."

CICWCD General Manager Scott Wilson included in his budget comments that Washington County Water Conservancy District already is building a pipeline from Quail Lake to Ash Creek Reservoir, just south of New Harmony.

The district wants to participate in the project, which already has begun. The distance is about two-thirds of the way to Iron County and will be part of the Lake Powell pipeline.

Wilson added that the water in the pipeline can go both ways. The Lake Powell pipeline funds could go for this project.

"We're ready to participate (in this)," he said. "We're ready to move."

Taxpayers

Resident Doug Hall said taxpayers are upset because they don't believe the Lake Powell pipeline is the answer for this valley. The costs are not defined and there is nothing in writing for the water rights.

"Let's put the issue of a Lake Powell pipeline on the ballot and let the voters decide," he said.

His own research with water rights experts shows the valley's water resources can support up to 300,000 people, a lot more than the 133,000 in the USGS survey.

"Somebody's right, somebody's wrong and somebody's guessing," he said.

Jim Aton said he has researched the Colorado River many times. All water projects involved with it end up costing three times the estimated amount.

"Lake Powell is going down, the water is not going to be there," he said. "We're going to build a huge, expensive straw that will suck air."

Resident Evan Ludwig showed the extreme side of taxpayers and asked board members to resign immediately, fire Wilson as general manager and let the county commissioners start over.

"I feel the water board has violated the trust of the people (that they've) placed in government," he said.

Steve Giger said he believes the problem is the lack of education; if the public understood everything, most resident wouldn't mind a small tax increase.

"I think the problem is the lack of communication here," Giger said.

Board

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Article published Aug 16, 2006

CICWCD lessens tax increase

By MEG CADY
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CEDAR CITY -- After listening to public comments Tuesday night, the Central Iron County Water Conservancy District board voted to lessen its proposed tax increase again.

The board voted unanimously to lessen its Lake Powell pipeline funding from \$500,000 to \$150,000; it will charge a tax rate of .00055 instead of the originally proposed .001.

That means on a \$200,000 property with a 45 percent exemption, taxpayers would pay \$60.50.

The adopted property tax rate, which is cut almost in half from the original rate, will bring in \$1.3 million.

Taxpayers said while they're still not happy with the increase, at least they made an impression on board members.

"I think that it's sort of a small victory," said resident Doug Hall.

For more information, check this Web site again and see tomorrow's editions of The Spectrum & Daily News.

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Article Last Updated: 8/15/2006 06:25 AM

Cedar City bans watering while wells repaired

The Associated Press
Salt Lake Tribune

Cedar City has asked residents not to water until two broken wells in the Quichapa Lake area are repaired, which is expected by Thursday night.

"It's sort of a crisis," Larry Baker, city public relations director, said Monday night.

"We've been trying to get them fixed all day, but it doesn't look like it's going to happen for a few days," he said.

The Quichapa No. 7 well has been problematic for months. It failed in December and then again in June.

While workers were attempting to repair No. 7 on Sunday night, Quichapa No. 6 failed.

Robbie Mitchell, supervisor of the water department, said that in his 13 years with the city, it never has had two wells down at the same time before.

Both wells feed the Cross Hollows Tank. To preserve what water is in the tank, the city decided to restrict outside water use, Mitchell said.

The city has received state approval to drill another well in the Quichapa Lake area, but has yet to begin work on the project, Mitchell said.

The addition of another well likely would keep the city's water tanks at or near capacity when one well was out of order.

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Article published Aug 15, 2006

City to face more water restrictions

By **STEVE KIGGINS**
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CEDAR CITY - Roll up your garden hoses until Thursday night.

Monday night, for the third time in nine months, Cedar City Corp. issued water restrictions as workers scrambled to repair two broken wells in the Quichapa Lake area.

With two wells out of commission, possibly for the first time in the city's history, Cedar City officials are asking residents to restrict outside watering until Thursday night.

"We've been trying to get them fixed all day, but it doesn't look like it's going to happen for a few days," said Larry Baker, the city's public relations director.

One of the downed wells, Quichapa No. 7, has been problematic for months. It first failed in December, then again in June.

While workers were attempting to repair No. 7 on Sunday night, Quichapa No. 6 failed.

"We were hoping to have No. 7 up before No. 6 went down, but we just didn't make it," said Robbie Mitchell, supervisor of the city's water department. "We've never had two wells go down at the same time (in my 13 years with the city), so this is a first for us."

Both wells feed the Cross Hollows Tank, which Mitchell said is "not sitting in a very good situation."

In an effort to preserve what water is in the tank, the city decided to restrict outside water use, Mitchell said.

"It's sort of a crisis," Baker said. Cedar City Corp. is working to ensure that water restrictions are less likely in the future.

The city has received state approval to drill another well in the Quichapa Lake area, but has yet to begin work on the project, Mitchell said.

"It's a two-year process," Mitchell said. "It's just a matter of getting it going."

The addition of another well would likely keep the city's water tanks at or near capacity, providing residents with enough water to use even if the city experienced problems at one of its wells, Mitchell said.

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Article Last Updated: 8/08/2006 01:38 AM

Global Warming: What about water?

All Utah's water plans could go down the drain

By Joe Balrd
The Salt Lake Tribune
Salt Lake Tribune

BEAR RIVER CITY - Charles Holmgren says it's the little things that he notices.

The Box Elder County farmer, who grows a variety of crops on 1,200 acres near here, has seen the spring runoff come down the Corrine Canal from the Bear River flows sooner than it used to. After nearly a lifetime of getting three cuts a season out of his alfalfa crop, Holmgren notes that he's now regularly getting four. And he and fellow members of the irrigation company that feeds the area's farms are paying out more in attorneys fees than they ever have before to settle water rights disputes.

Holmgren can't specifically point to climate change as the culprit; it's all anecdotal at this point. But he does sense that things are different now. And he can't help but wonder what lies ahead.

"It's a two-edged sword," he says. "If you have livestock, you like the warmer, drier winters. But when crop time comes around in June and July, you really need that water. It doesn't help when it comes down in February or March. Once it goes down the river, it's gone."

More than any other aspect of global warming, water will likely be what defines the issue in Utah and the rest of the Intermountain West in the coming decades. The nation's most arid and sparsely populated region has been transformed by explosive growth and development in recent decades, growth that has been based largely on an ability to manage scarce and vitally important water.

But those resources are increasingly under strain as such cities as Las Vegas, Phoenix and, closer to home, St. George, continue to expand at unprecedented rates. A long-term drought, one the region may still be in the grips of, got the attention of federal and state water managers earlier this decade. Now climate change - the prospect of rising temperatures, less snowmelt and, perhaps, less precipitation - is prompting further reappraisals.

"The message I can give is that we are paying attention to it," says Mark Limbaugh, assistant secretary for the Interior Department. "But to say we have a clear path towards a solution, I don't think we're there yet."

The variables of water: Though there is now a general scientific consensus about global warming - it's real, it's occurring right now and we are at least partially responsible for it - there is much less unanimity about the impacts climate change will have on precipitation and water supplies in the interior West. In fact, the research is all over the place.

Different climate models produced in recent years have spit out a variety of conclusions. Some predict close to normal precipitation, but more of it falling as rain and less as snow, with the rainfall coming at different times of the year. Other models call for more precipitation, which could actually bring some positive effects - anybody up for the Great Basin grasslands? And still others forecast less precipitation, which would be the worst scenario of all. But for the time being, uncertainty is the rule.

"It's demonstrable that global warming is happening," says Randy Julander, state snow surveyor for the U.S. Agriculture Department. "Once you get past that, though, you start getting into connectivity issues - things that have happened and are happening right now. How do we separate all the variables to pull out the thread of global warming?"

This is especially pertinent when it comes to water, Julander adds, because such variables as weather modification (e.g., cloud seeding), vegetation changes (such as the decrease in aspen trees and the rise of conifers across the Rockies) and such events as wildfires all impact the high elevation snowpack.

Across the vast Colorado River Basin, 85 percent of the water consumed by municipal and agricultural users comes from snowmelt.

That said, there is enough data out there now to begin sizing up possible global warming and water scenarios for

Utah and the Intermountain region.

A 2003 study by Frederic Wagner, a professor emeritus of the Department of Forest, Range and Wildlife Science at Utah State University, lays out a variety of possibilities if temperatures increase from nearly 4 to 6 degrees Fahrenheit by 2100.

I Increased precipitation: This scenario could accommodate a doubling of the region's current population over the century, continue to provide for agricultural uses, and could actually see an increase in the water supply. Water management changes, however, would be necessary to address decreased snowpack and heightened flood possibilities.

I Same precipitation: Social and economic impacts would be roughly the same as above for the northwestern part of the region, which would still enjoy some extra precipitation. But a temperature increase and no change in precipitation in the southeastern portion of the area would exacerbate the current water scarcity and reduce water resources.

I Decreased precipitation: Would lead to desertification of the region and a decline in water resources, likely leading to water transfers from agriculture to urban areas. That would in turn lead to a steep decline of farming and ranching and deal the outdoor recreation industry, particularly skiing, a serious blow.

If that worst-case scenario plays out, says Dennis Strong, director of the Utah Division of Water Resources, some fundamental cosmetic surgery will be necessary.

"It would come down to changing the way Utah looks," he says. "Nobody wants to see the grass or the trees go away. But what we're talking about is what we really need."

More, bigger reservoirs? But just about any climate change scenario in Utah that leads to reduced snowpack will likely require some rethinking about our systems for capturing water. And that could mean bracing for a new round of costs and impacts of new dams, pipelines and other structures, according to a USU researcher.

Jack Schmidt, an aquatic, watershed and earth resources professor who specializes in Colorado River issues, predicts the biggest factor in terms of warming temperatures will be the timing of the snowmelt and the amount of variability between rain and snow.

"That doesn't mean we're cooked. But it may mean a new wave of dam and reservoir projects and that may mean some environmental reversals," he says. "We're in an era now that is focused on the environmental protection of our rivers. But that may be for naught if we have to build 10 new reservoirs to capture more snowmelt or more water from other sources."

Those are the kinds of issues water managers ought to be addressing right now, but aren't, according to environmental and other critics.

"It's worth pointing out that there are 400 water districts in Utah, a complex set of state water laws and the Law of the [Colorado] River. And the primary objective of all these districts and statutes is to protect the status quo," says Dan McCool, a University of Utah political science professor who specializes in water issues. "But the status quo doesn't exist any longer. It is a system that is hopelessly out of sync with the demographic reality, the economic reality and the meteorological reality."

But water officials maintain they have no choice but to tread water - pardon the expression - for the time being.

"Which science do you depend on?" says Ron Thompson, manager of the Washington County Water Conservancy District. "I have heard no consensus on what the impact of climate change will be on the southwestern United States."

Battle lines drawn: One thing is for sure, though. The politics of water, already rough, are going to get even rougher. Especially if the resources are more scarce and states wind up pitted against each other. The Colorado River Compact tying together the seven basin states - Utah, Wyoming, Colorado, New Mexico, Nevada, Arizona and California - has been in existence since 1922. It may not make it through the next century.

Says USU professor Schmidt: "Utah has nodes of dense population with tentacles of supply lines that bring water and electricity. If water gets scarce, what happens to the nerve center - the Wasatch Front - and those supply lines? Utah will be competing against other people for the same thing. And in that context, how do we compete against states like Arizona and California that are economic powerhouses?"

A sneak preview may be going on right now on the Utah-Nevada border, where the Southern Nevada Water Authority is planning to take groundwater out of aquifers under the state line and pipe it to Las Vegas - an action the district has been forced to take because it has essentially exhausted its allotment of Colorado River water. Ranchers and environmentalists on both sides of the line are fighting the Southern Nevada plan and threats have been issued both at the state and congressional levels.

However, Colorado River water managers believe they have gotten an early handle on the climate change issue

with a drought management agreement that was negotiated by the seven basin states earlier this year. Though not global warming-specific, they maintain it represents a head start.

But Richard Ingebretson, founder of the Glen Canyon Institute, says it probably won't make much difference in the long run.

"Global warming is happening now. And it is so horribly affecting the Colorado River that they're going to have to renegotiate the whole [Colorado Compact]," he says. "The drought management agreement is just a prelude to many, many changes.

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Board

deseretnews.com

Deseret Morning News, Saturday, August 05, 2006

Mapleton cleanup lawsuit is dismissed

*Judge says city released firm from well obligation***By Sara Israelsen**

Deseret Morning News

PROVO — A judge dismissed a \$100 million lawsuit Mapleton City had filed against a now-closed Spanish Fork explosives company, ruling that the city had already released the company from environmental cleanup responsibility in a 1997 agreement.

Twelve years ago, Mapleton sued Ensign-Bickford — formerly Trojan Corp., Mallinckrodt Inc., Cytec Industries Inc. and Jeras Corp. — for contaminating city water wells. City officials alleged in court documents that the company allowed chemicals to seep into underground aquifers from the factory near the mouth of Spanish Fork Canyon.

After numerous discussions, the parties reached an agreement in 1997 in which Ensign-Bickford would clean up City Well No. 1 by creating a water-treatment system. The company also agreed to pay the city a lump sum of \$150,000, according to court documents.

The plant permanently shut its doors in February.

Once the well was clean, according to the agreement, Ensign-Bickford would then be released from any obligation to the city.

However, the city wasn't satisfied with the cleanup process and filed an amended complaint in November 2003, asking for nearly \$100 million in damages.

Fourth District Judge Anthony Schofield ruled Monday that the wording in the city's 9-year-old agreement was clear and unambiguous. He said in his ruling that the city had indeed released Ensign-Bickford from future responsibility, including additional problems stemming from the cleanup process.

"We respect Judge Schofield a great amount," said Doug Thayer, attorney for Mapleton City, "but we obviously disagree with his decision. I'll certainly recommend (to Mapleton) that we appeal the case. I'm really quite hopeful."

Attorneys for Ensign-Bickford could not be reached for comment.

Thayer will be meeting with Mapleton Mayor Dean Allan and Mapleton City Council on Aug. 16 to discuss the issue and a possible appeal.

The city has been dealing with problems from the plant for years. In 1999, three Mapleton families filed suits against the company, alleging that polluted water caused members of their families to contract non-Hodgkins lymphoma.

Ensign-Bickford settled the cases — but didn't admit liability. Two of the people who filed suit against the company have since died of cancer.

Thayer had also raised the issue of air-borne pollutants discharged by the cleanup process after an expert noted high levels of TNT residue during a test. The pollution issue was part of the amended complaint that was just dismissed.

Thayer has argued — and still believes — the city's release only pointed to Well 1, not the entire aquifer, which supplies water to other city wells.

"The problem is, nobody ever drafts anything perfectly," Thayer said. "Contract interpretation is a huge part of civil law in this country. I would have drafted it a bit differently."

However, attorneys for Ensign-Bickford continue to point out multiple references in the agreement to the aquifer, as well as the necessary connection between the two elements — a point Schofield also brought out in his ruling.

"A well is more than a section of pipe with a pump," Schofield wrote. "It includes the water that is pumped. In fact, it must include the water that is pumped because, in reality, a well without water is not a well at all."

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deseretnews.com

Deseret Morning News, Friday, August 04, 2006

Grant money goes to water, roads, safety

By Nicole Warburton

Deseret Morning News

The state's Permanent Community Impact Fund Board approved more than \$45 million in grants and loans on Thursday to help Utah communities with road, public-safety and water improvements.

The South Davis Metro Fire Agency received a \$4.2 million loan to build two new fire stations. A combined \$7 million in grants and loans was approved for the Uintah Recreation District to build a new recreation center in Vernal.

The city of Mount Pleasant also received a combined \$4 million in grants and loans to make street improvements.

"These approvals mean many things," said Gordon Walker, chair of the Community Impact Fund Board and director of the state Division of Housing and Community Development. "In one case, it means the separation of a sewer and a water system that were put too close to each other, so that drinking water is not affected by the sewer system."

At least 10 Utah communities received funding from the board to improve water and sewer systems. Santa Clara received a \$4.8 million loan to improve its water system. Delta City received a combination of \$3 million in grants and loans to improve its water system.

The money to fund these improvements comes from mineral-lease payments made to the state. Much of the money goes to rural communities that are impacted by mineral development.

"There's a lot of need in the outlying communities," said Walker. "They are tremendously affected by the extraction of coal and oil and gas, and these funds allow those communities to be helped with the public needs that they have."

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Article published Aug 4, 2006

Water board plans to decrease tax hike

By MEG CADY

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CEDAR CITY – Maria Bulloch's voice and hands shook with emotion as she glared at the eight men representing the Central Iron County Water Conservancy District who leaned against the library wall.

"I'm real tired of being taxed without representation," she said.

"Where in the hell am I going to come up with the money (to pay my taxes)? This is crap."

Norine Rogers, a Midvalley Estates resident, said she's "a mom who struggles to pay (her bills)," and while she may not understand water issues, she understands the financial crunch for those who can barely buy school clothes for their kids let alone pay the extra money for their tax bills.

Bulloch and Rogers were just a few of the 200 residents who came to voice their opinions during the Truth in Taxation hearing Thursday night. She started a petition against the water district and the Lake Powell pipeline at the meeting.

Bulloch, like so many of the residents who attended the meeting, is irritated the district, a board appointed by county commissioners, can make a 1,300 percent tax increase.

So many residents showed up to give their disapproval, the district had to move the meeting into the south corner of the library to accommodate everyone.

Meeting results

Several residents said they believed their comments would make no difference since the board members already had made up their minds on the issue.

But after almost two hours of heated comments from residents, the Central Iron County Water Conservancy District adopted a tentative budget that lessens its tax increase.

The board will accept more public comments at its budget hearing, which is scheduled for Aug. 15 at 6:30 p.m. at the Cedar High School auditorium.

Board member Leon Hyatt said he knew they would be "coming into a buzz saw" with the meeting, and while some people "made a pretty pathetic I-can't-afford-it argument," he believes \$2 million is unnecessary.

"We can spend it, but we can't justify it," he said. "Whatever we can justify is where we ought to be."

Board member Justin Wayment agreed, but noted Lake Powell pipeline money is a must in the budget. He asked Nolte Associates engineer Kelly Crane to provide him with a detailed list of all the district's projects, where they are, and what money is available to reclaim wastewater so the board could know what is a good tax rate.

Board member Brent Hunter said he believes the board should figure out what it needs and be open with the community about it; taxpayers will be understanding and intelligent with all the information.

"I'm convinced if the people have the facts, we can justify it," he said.

Board members decided they still needed a tax increase to pay for their projects already in the works but they could scale it back to the bare minimum.

They voted to tentatively cut about \$500,000 from their capital projects to charge a smaller tax rate of .000788, the same tax rate as the Washington County Water Conservancy District.

CICWCD General Manager Scott Wilson said the changes mean the district will receive \$1,808,522 in property tax revenue instead of \$2,295,000.

The tax increase goes from 1,300 percent to about 1,000 percent. On a \$200,000 home, instead of the proposed \$110, taxpayers would pay \$86.

Board members conceded to adopt the tentative budget so they could publish it and stay on track for their budget hearing, although they agreed it still needs work. The district's budget must be turned in to the state by Aug. 17.

Wilson said this will send a positive message to the public that board members heard residents' comments, but keeping the \$500,000 for the Lake Powell pipeline will show the state that Iron County wants to be involved.

The board will address residents' comments and answer their questions as well as present exactly where the money is going at the budget hearing on Aug. 15. That will include an explanation of the capital projects in the budget.

Wilson said those include culinary projects that provide regional infrastructure in the valley, like an Enoch water line extension to Three Peaks Elementary.

The district only can cut half that budget because half the projects already are paid for.

Wilson also noted that Iron County does not own water rights in the Lake Powell pipeline project.

"We really feel the state of Utah will take care of us," he said.

Residents concerns

Residents told board members the tax increase was unaffordable and ridiculous for something that probably won't even benefit them.

Because board members are appointed by the county commissioners, this is taxation without representation, they said.

"You're going to be putting people out of their homes," said resident Randy Carter. "I realize we have water problems, but you have money coming in (from other sources)."

Kathy Croxall was very disappointed; she came to the meeting hoping to get information on why the board is proposing such a high tax increase and the accompanying projects.

"We came here hoping to understand; we certainly weren't happy with the tax increase," she said.

Martin Sherman also doesn't understand where the money is going or why the board is raising taxes when it charges for water. He wondered what alternatives the board has explored and asks for an explanation.

"I think we're due that if nothing else," he said.

Resident David Berg said his background gives him some idea of the tremendous costs of pumping and energy needed to get water here from Sand Hollow Reservoir after the pipeline delivers water to Washington and Kane counties. Plus, the water has been allocated to surrounding states.

"It's going to be the most expensive water in the world before it gets up here," he said. "The only thing you're thinking of is we put in thousands of homes, and we're going to get taxes from them. I love Cedar City the size that it is."

Jerry Bryant agreed getting water from Lake Powell won't be easy, especially because California and Nevada are not going to stand by and let "puny" Iron County pump their water up here.

"The pipeline is not practical," he said. "I maintain this will kill Cedar City because we simply can no longer afford to live here."

He now regrets his role in petitioning for the water conservancy district when he worked for the Coal Creek Irrigation Water Company.

"We're not getting what we thought we was getting," he said.

Mitch Dettamanti stood up for board members and what they were trying to do, but he doesn't believe the Lake Powell pipeline is worth the burden placed on people who shouldn't have to pay for new growth.

"I don't believe it's a feasible project for Iron County," he said. "I think the water exists in this aquifer to support this valley. I do believe the growth should pay for itself."

Harold Shirley, former Cedar City Mayor and Division of Water Resources representative, said while he doesn't agree with the high tax, the vision to look toward the Lake Powell pipeline is important.

"We have got to look to the future, and we must not fail the people who will be here in 20 years," he said.

At the end of the public hearing, Cory Peterson, who has a geological engineering background, said the valley is a closed basin and there's no other water.

"You've got a problem here, a problem that will not go away," he said. "Something has to be done."

deseretnews.com

Deseret Morning News, Monday, August 07, 2006

Recent E. coli outbreak still a puzzle in northern Utah

*Collection of extensive histories hasn't found the cause of 5 cases***By Lois M. Collins**

Deseret Morning News

The Bear River Health Department cannot say for certain what caused a spate of recent E. coli cases in northern Utah, although it's pretty sure that two of the five cases were not related to the other three.

Everyone has recovered, there have been no new recent cases and the department is now warning residents to take precautions against food-borne and water-borne illness, since both paths have come under suspicion.

Most of the time, says Dr. Edward Redd, deputy director of the department, you find a common food exposure if you take an extensive history, or you can figure out where people crossed paths. That hadn't proven so simple with the five lab-confirmed cases of E. coli that took place in Hyrum in June.

They're calling the patients A, B, C, D and E and paint a picture of a time-consuming and sometimes frustrating investigation that yielded clues but not concrete solutions.

A and B were siblings who lived in the southeast portion of Hyrum. On June 6, the department learned they tested positive for the bacteria.

Investigators found other family members were sick, though not formally tested. And after tracing where they'd been, investigators chalked it up to hamburger they bought from a private meat cutter and closed the case.

C came into the picture five days later, also diagnosed with E. coli, but from the northwest corner of the city. And her E. coli was identical to that of one of the siblings, suggesting a shared source. But they seemed to have nothing in common. "No common restaurants, no common parties and they don't know each other," Redd says.

Enter cases D and E, who lived in the same subdivision as C, but had a different DNA to their E. coli. They live close by each other and the family children play together, so it wasn't so surprising they were affected, but it was still hard to explain the exact source.

Then things got a little more suggestive of a solution: They found a possible but unprovable connection. The water had been turned off in the subdivision where C, D and E lived for 12 hours. When it went back on, Redd says, officials figure everyone was using it at once and some of it might have flowed the wrong way. The next day, A attended a party in the neighborhood where C lived, providing a possible link between those identical-DNA lab findings by suggesting the water was to blame.

"We can't prove or disprove various theories, though some seem more likely than others," Redd says.

They're now convinced the hamburger played no part in the exposures. If it was water, it hasn't been proven.

The one thing they're sure of is there were two different exposures: A, B and C are likely not related to D and E, although A and C are identical and C, D and E live in the same area. If you're confused, you're not alone, Redd says.

So officials are left with reminding residents to wash vegetables and fruits (with culinary water, not secondary), cook meats properly and not allow cross-contamination between cooked and uncooked foods and surfaces.

They are also pushing good hand-washing hygiene and avoiding direct exposure to backyard secondary water, especially among kids, such as playing in sprinklers or filling wading pools, playing in gutters and more. As for culinary water, if it doesn't look clean, don't drink it or prepare foods with it, health officials say.

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The Salt Lake Tribune

<http://www.sltrib.com>

Article Last Updated: 8/05/2006 12:05 AM

Hyrum E. coli mystery is unsolved

The Associated Press
Salt Lake Tribune

HYRUM, Utah - The Bear River Health Department wasn't able to pin down a cause for a series of E. coli cases.

The department issued a report on Thursday saying the source of the bacteria that made five people ill is unknown.

Three of those cases came out of Hyrum's High Valley subdivision, where residents suspected the city's culinary water system. That couldn't be confirmed.

"Based on a thorough investigation, the health department concluded that there were several possible ways that residents could have been exposed to E. coli," said the report, issued by Lloyd Berentzen, the department's director.

The report said the bacteria could have briefly contaminated tap water or a secondary water system used for watering lawns.

Another possibility was that the bacteria came from undercooked or raw food, or was spread by an infected individual to others through contact.

"The Health Department launched an investigation as soon as it learned that it was not an isolated case," Berentzen said in a statement.

The department interviewed contractors who installed a new water line in Hyrum, but the crews said they followed "all possible safety procedures" and observed no leaks, broken lines or ruptures.

"This investigation is over unless there are new cases that show up that are tied to these cases," Dr. Ed Redd, the department's medical director, told The Herald Journal of Logan.

"Due to the fact that we've had no new cases that are related to these in the last month, the chances of that happening are really small."

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The Salt Lake Tribune

<http://www.sltrib.com>

Article Last Updated: 8/05/2006 01:52 PM

Lake Powell report card: An A for boating, D for water storage

Allen Best
Salt Lake Tribune

It's fun in the sun as usual at Lake Powell, as this summer follows another in a pattern of drought in the 21st century. But though the reservoir has plenty of water for boating, its primary purpose is to store water for the American Southwest. By that criterion, Lake Powell is a bust at 52 percent of capacity.

Hopes for more storage were high only six months ago. Storms in Colorado early last winter left record snowfalls, and it looked to be an average or even better year across the Colorado River Basin. But winter retired early, as has become its habit, and runoff was again substandard, at only 75 percent of average.

Aridity in the Southwest has always been axiomatic, nearly a point of pride. It's how we define the region and, by extension, ourselves. Even so, fresh evidence continues to arrive that forces us to redefine our aridity.

The most recent testimony is a study of tree rings in the river basin, and it reveals that extended droughts were far more common in the past. For example, various claims have been made in recent years that our current drought is the worst in hundreds of years. In fact, according to tree rings at Lees Ferry, at the mouth of the Grand Canyon, the annual flow of the river during 1844-1848 was lower than the observed flow of 1999-2004.

Trees also tell of many extended droughts. Eight periods between 1536 and 1850 may have been as dry as the recent drought, according to the work by Western climate specialists Connie A. Woodhouse, Stephen T. Gray and David M. Meko. They also found evidence that droughts of the past have been longer than the drought of recent years - perhaps decades long. The tree rings, they said in a report issued earlier this year, "demonstrate that severe, sustained droughts are a defining feature of the Upper Colorado River hydroclimate."

These more severe, sustained droughts of the distant past are in sharp contrast with the anomalously wet 20th century. Wettest of the wet was the period from 1910 to 1920, the basis for the Colorado River Compact of 1922, which apportions the waters among the seven states of the river basin. Another particularly wet period came during the 1980s and 1990s. In other words, our cheerful understanding of aridity in the Southwest has been that of a glass half-full.

This view into the past is important given two trends of the present and future. First is the great population growth under way. By one estimate, the Colorado River already serves 25 million people, from Cheyenne to San Diego and from Albuquerque to Salt Lake City. Several Colorado River Basin states led the nation in population growth during the 1990s, and that trend is expected to continue.

Global warming is a second consideration. Computer models are only now being delivered that pick up the bumpiness of the Rocky Mountains and the Sierra Nevada. Earlier versions were far too coarse. Increased greenhouse gas emissions may also change the climate of the West. That said, all computer modeling predicts shorter winters, earlier runoff and higher temperatures. That means less snow in the high country - the source of 80 percent of the water in the West - and the snow is less likely to linger into summer. That means more water in low-lying reservoirs where it can evaporate more readily.

Looking both backward aided by tree rings and forward given both demographic projections and greenhouse gas theory, the water situation in the West is likely to get much more dicey. On both counts, we need a revised appreciation for aridity in the American Southwest.

Meanwhile, Lake Powell has pulled back from the brink. In early 2005, water managers were fretting that the reservoir, by then only 33 percent full, would be nearly empty by now, a bathtub with ugly rings indicating an earlier time of plenty.

But for many Lake Powell boaters, it's just fine as it is. Jim Mullen, a mechanic in Glenwood Springs, Colo., visited Powell again in June, and reported a delightful variety of beaches available due to the lower water level. "When it's full, you have no place to camp unless you're on a house boat," he said. "If I never see it fill again, I would be happy."

For some, a glass half-full is still as good as it gets.

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August 1st, 2006



15 of 58 Water Shares Have Been Returned

August 1st, 2006 @ 7:17am

LEHI, Utah (AP) -- Since Lehi Irrigation said a month ago it would return 58 water shares sold -- allegedly illegally -- at a January auction, just 15 have been returned and other shareholders are upset.

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"I'm a little impatient, I guess. I think it's time they did something," Illa Pulley of American Fork said. She's still waiting to get the record of her father's share.

Lehi Irrigation's attorneys said June 16 that the Jan. 9 auction was illegal. The firm, Mabey & Wright of Salt Lake City, said 58 shares would be restored to their previous owners once delinquencies were paid. The people who bought the shares at the auction -- many board members and family of the board -- were given refunds.

Lehi Irrigation attorney David Wright said in June that the return process should only take a few days, except for cases in which the auctioned shares were sold again.

Evan Johnson, a water trader, hand-delivered the delinquency of \$144 for his share after the reversal was announced.

"We turned our certificate in to the secretary, and we paid the back assessments, but we have not been given a certificate," he said.

Johnson and business partner Jim Garside filed a lawsuit against Lehi Irrigation on June 1, but waited to serve it, hoping to simply have the water right restored.

The process becomes complicated because it's been seven months since the auction, and the shares have changed hands.

"A lot of the shares that were sold at the auction have been sold to the city (Lehi)," Wright said.

The shares could have been sold to developers, who then have to give the city enough water for their development. In Lehi and the surrounding areas, a lot of that is done through Lehi Irrigation's water shares.

According to Utah's constitution, cities and towns cannot give up water rights, no matter if they were obtained illegally, City Attorney Kenneth Rushton said.

Salt Lake attorney Daniel Jensen said it is not entirely clear if shares of stock are considered in that provision.

Because of the constitutional provision, the company plans to replace the shares by buying other shares that are for sale and giving them to the shareholders. The company will be using insurance money and company funds for the purchases.

"We think we can round up enough shares to fill whatever hole needs to be filled in getting these shares back to the original shareholders," Wright said.

He said it could take months for everything to be restored.

Meanwhile, some of the people who bought shares at the auction at well below the shares' value, do not want to return them.

"Some of these people have hired attorneys and they want to put up a fight, but we've told them that they need to be returned," Wright said.

Information from: The Daily Herald, <http://www.heraldextra.com>

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Article published Aug 1, 2006

Officials prepare defense

• Water tax increase has residents upset

By MEG CADY
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CEDAR CITY - When Cedar City resident Doug Hall opened his tax notice last week, he got sticker shock when he saw the impact from the Central Iron County Water Conservancy District's tax increase.

Hall said while he can see the necessity for improvements, this 1,300 percent increase is getting a little carried away.

Hall plans to attend the truth in taxation meeting on Thursday with several other residents upset with their jump in property taxes.

CICWCD General Manager Scott Wilson said the increase will fund common infrastructure and the Lake Powell pipeline.

With these funds, Iron County will gain a respected seat in the pipeline partnership with Washington and Kane counties by charging the same tax rate for its residents.

"It is really literally a mandate for us to proceed with Lake Powell (pipeline)," Wilson said. "We just need to be on board. If we miss that boat ... that's a sentence of economic death for this community."

Water taxes

Last year, the water conservancy district charged a .000094 tax rate. So on a \$200,000 property with a 45-percent exclusion, taxpayers paid \$10.34 to the district.

After Senate Bill 111 passed in March, the water district can charge a rate of .001.

Wilson said with the same property and exclusion, taxpayers will pay \$110.

That will generate \$2.3 million in tax revenue, with \$500,000 going for the Lake Powell pipeline.

Angry residents

But taxpayers are irate with the huge spike in their taxes. Dave Bentley, a former Cedar City Councilman, said he doesn't think the increase is necessary and he's upset CICWCD has taxing power at all.

"These people are appointed," he said. "They can do anything they want ... and there's no recourse."

Bentley said he can afford the \$500 increase on his bill, but lots of residents can't, especially seniors and young families.

"I just feel heartbroken for the people who are going to be hurt by this," he said. "I'm going against some of my good friends (on the water board), but right is right and wrong is wrong."

Jerry Jones is infuriated with the "obscene and ridiculous" tax increase.

"(CICWCD is) the epitome of an arrogant government out of control," Jones said. "This kind of an increase is unacceptable. I don't care what it's for."

Need for project

Wilson said he expects lots of emotional comments during Thursday's meeting, but taxpayers should have known this was coming. The district had a public hearing in December for its budget and proposed increase.

Plus, Wilson added, 70 percent of Iron County residents said the county should participate in the project in January in a Vanguard Media survey, which shows him a large majority were in support of moving forward with the Lake Powell pipeline.

"The district knew that Cedar City's participation in the Lake Powell pipeline would be an enormous step for this community," Wilson said. "We are seeing the effect of that now. However, as we look at the very limited to non-existing alternatives to Lake Powell water, we must take the numerous steps that will be required both now and in the future."

Wilson said the project already is in motion, with the state only months away from issuing contracts for consultants.

"In other words, they're starting to spend money," Wilson said.

Before the pipeline gets to Iron County in about 15 years, the district has to put in the infrastructure, including a regional water treatment facility and a transmission structure for water.

The district won't fund that all by property taxes - Wilson said there will be a balance between taxes, impact fees and user fees.

"Thank goodness we had the sense and vision to participate," Wilson said. "Now we're on the train. We are not going to flinch. We look forward to having a community discussion."

Board

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Article published Jul 31, 2006

Saving water for the future

Conservation can help residents save money

By MEG CADY
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CEDAR CITY - As residents start to feel the effects of the Lake Powell pipeline on their pocketbooks conservation will not only help Cedar Valley's water situation until the project is complete, but will help residents save money on their water bills.

Molly Waters, Division of Water Resources water conservation coordinator, said residents could cut their bill almost in half by simply watching how much they put on their lawns.

"That's where we see the biggest waste for water," she said.

The Central Iron County Water Conservancy District also is doing what it can to save water, but projects like the Lake Powell pipeline are still necessary for Southern Utah's future, said CICWCD General Manager Scott Wilson.

Residential conservation

While there are several ways to use less water in your bathroom, kitchen and faucets, the best way to cut down on water usage is on your lawn, Waters said. People typically use 25 percent to 50 percent more water than necessary outdoors.

Waters said the best way to cut back is by turning your sprinkler controller to manual and waiting to water until you see some stress in your lawn.

"People are letting the timer make decisions for them. And timers are, for the most part, stupid," she said.

Another way people waste water is by setting their sprinkler system in the spring with the amount they'll need in July.

"That's where we lose a lot of water - just set it and forget it," she said.

CICWCD conservation

The Central Iron County Water Conservancy District passed a measure during its June 15 meeting to encourage developers to conserve at the most critical point: landscaping decisions.

"The best time to do conservation is in initial landscape planning," Wilson said. "We're seeing some innovation there."

For developers hooking on to the district, 1 acre foot of water per lot is still required, Wilson said. One acre foot of water is equivalent to 325,851 gallons, which will serve four people for a year at the Iron County average of 220 gallons per person per day.

But for those who use water-wise plants in the front yard, they get a break by supplying .8 acre foot. On the second tier, those who use water-wise landscaping in both front and back, .6 acre foot is required.

"It's quite a significant thing that they have to do in order to get to those points; they have to come forward with some fairly stringent restrictions," said Kelly Crane, Nolte Associates engineer and CICWCD consultant.

He added that enforcement of this policy is still an issue, but district members believe if a yard already is landscaped, 90 percent of people won't take it out.

Wilson said water rates will reflect their water use, so if residents violate the requirements in their subdivision, they'll pay for it in their water bill.

Another project down the road is making use of Coal Creek water more efficient.

"We know that Coal Creek water, for example, right now is not being used efficiently," Wilson said. "We're going to have to re-engineer that."

Conservation impact

Wilson said conservation only goes so far because agriculture is two-thirds of the water in this valley.

Over time that balance will change, but water users will continue to use more water than is in the underground aquifer.

"All we can do is make landscaping decisions as we move forward," Wilson said. "We'll continue to overdraft. There's no question about that."

Southern Utah has been fortunate with a couple of good water years, but it will take more water efficiency of Coal Creek and several years of great runoff to recharge the aquifer, Wilson said.

But Waters contended that although public and agricultural water are considered separately, conservation does make an impact.

"You have the potential to make a very large impact," she said.

The water needs in the future will be public, and with two-thirds of public water going toward outdoor use, cutting back can save a lot. Yet the overall message is to not use water mindlessly.

"People really take it for granted, but we need to use it wisely or we'll be in a world of hurt," she said.

Board



Tooele officials sound off water alarm

Written by Mark Watson

Thursday, 27 July 2006



A beautiful green lawn in Tooele may cause suspicion from local water detectives as they crack down on water abusers.

"If anybody has a lush green lawn in this hot weather they are probably using too much water," said Settlement Irrigation President Gary Bevan. He announced this week that water shareholders - mostly residents of south east Tooele City - must cut back on use.

"We need to place restrictions on water use. The reservoir is six feet lower now than what it was at this time last year," Bevan said. "We want no watering from 7 p.m. Friday until 7 a.m. Monday. We will issue one warning and if they are caught a second time we will turn off their water."

The irrigation president said he even thought about cutting off the water the irrigation company supplies to Tooele City. An irrigation pipeline feeds one of the city's water tanks and is used for culinary purposes. "Our board of directors voted to keep the supply line open to the city considering their recent problems with one of their wells," Bevan said.

Tooele City leaders are pleading with residents to conserve water. "The bottom line is that we want residents to adhere to the watering schedule and not to water between 10 a.m. and 6 p.m. If people water on the days they should water we should be fine," Mayor Patrick Dunlavy said.

Tooele residents who irrigate with culinary water supplied from the city should water on certain days to avoid water pressure problems throughout the city. Those living south of Vine Street should water on Mondays and Thursdays. Those living north of Vine and east of Main Street should water on Tuesdays and Fridays. Those living north of Vine Street and west of Main Street should water on Wednesdays and Saturdays.

One of Tooele's water wells on the east bench is broken. "We will pull the pump and motor today and make a determination as to what the damages are," Dunlavy said. Tooele City contracts with Nickerson Company, Inc. a distributor of pumps, motors and parts. The well may be down for several weeks while the company orders the needed replacement parts and then makes the repairs.

"The reason we got a little nervous is that people are watering way too much. It doesn't do any good to water in the heat anyway. The city is making a concerted effort to cut back on using culinary water to water the parks. We're going to have our code enforcement officer keep a close eye on water use. We need everybody's help," the mayor said.

"Too much water is being poured on lawns," Bevan said. He is also wary about the city continuing to issue building permits in spite of the water dilemma. "It's insane. We have these water problems and the city continues to issue building permits."

Tooele City, however, requires new developers to provide adequate water rights before they issue permits.

The mayor said the city is aggressively dealing with water problems. He said the construction of two new wells this summer will help dramatically. "It will not totally solve the problem, but will allow us time to adequately plan for the future," Dunlavy said.

Grantsville Irrigation Company water master Lynn Taylor said the water situation in his city is OK. "We're doing fine. The reservoir is down six feet from the full level," he said.

According to the Utah Division of Water Resources, Utah consumes 293 gallons of water per person per day, second only to Nevada. Utah is also the second driest state, falling right behind Nevada.

The Governor's Water Conservation Team has re-energized its campaign to "Slow the Flow: Save H2O" with recent TV ads.

"Our new TV spots keep smart water-use practices at the forefront of people's minds and reminds them to keep up their efforts toward creating a culture of long-term water conservation," said Dennis Strong, director of the Utah Division of Water Resources. "We have made progress in water conservation statewide, but we need to keep moving in the same direction. Our goal is to reach a 25 percent per capita reduction in water-use statewide by 2050. If we can more efficiently use the water that we already have, we will be able to conserve water that will be used to meet our growing demands."

During July temperatures hit above 100 in northern Utah on six days and reached above 90 for 24 consecutive days.

e-mail: mwatson@tooeletranscript.com

Last Updated (Thursday, 27 July 2006)

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Article published Jul 28, 2006

CICWCD nearing completion on Three Peaks pipeline project

• First major project started to help residents of Fifetown area

By **MEG CADY**
mcady@thespectrum.com

CEDAR CITY - The Central Iron County Water Conservancy District is nearing completion on its first major project since it was organized almost 10 years ago.

The district started the project to help residents of Fifetown Subdivision, who found themselves topping the state's worst water list. But instead of just helping those residents, the water conservancy district wanted to provide a regional solution.

"The driving force on this project was the issues of small, independent systems that were dilapidated," said Kelly Crane, Nolte Associates engineer and CICWCD consultant. "We stepped in and said there needs to be a regional solution, and so we created a regional water system that would cover many of the small water systems of Iron County and be there to pick them up and be able to help them out when problems arise like they did in Fifetown."

The project, which will cost more than \$10 million, already is providing water to Fifetown residents and will be completed by the end of the year.

Three Peaks pipeline

Crane admitted the Fifetown Subdivision was a small problem that could have been solved with a "band-aid" solution for less money, but now current and future subdivisions, as well as Three Peaks Elementary, will benefit from the system.

CICWCD General Manager Scott Wilson said the role of the district is to provide for "regional water solutions," not just micromanage water problems.

"(We told the state) the only way we want to be involved with this is if ... we solve the Fifetown problem but then also prevent the emergence of future Fifetown problems from occurring," Wilson said.

This project, called Phase 1, includes pipes along Midvalley Road, 2300 West, 4000 North and Lund Highway, encompassing seven subdivisions.

Midvalley Estates elected not to hook on to the system at this time, but it will now be there when residents want it, Crane said.

At the end of the line, the district is building a 1 million gallon storage tank at the Three Peaks Recreational Area.

Benefits, costs

Wilson added that the entire community will benefit from water at the Three Peaks park.

"There's a lot of beneficiaries of this system," Wilson said.

The system will have some pressure but work mostly from gravity.

"A gravity system is so much more efficient," Crane said.

Contractors have laid the base of the tank and hope to pour its concrete walls, which are 16 inches thick and 20 feet high, in a few weeks. Pipe work is currently at about 4225 West on Midvalley Road, moving toward the tank.

Wilson said the tank will be able to deliver 2,000 gallons per minute for two hours to meet the requirements of the elementary school's fire code.

For homeowners, this means all homes in that area will be safer in case of a fire, making fire insurance rates go down.

While the total project's bill is more than \$10 million, water user fees only will pay for the district's \$6.345 million bond.

Utah State Rural Development gave the district about \$3 million as a "forgivable loan" and an additional \$3.5 million came from the state, Crane said.

Wilson stressed that no property taxes will go to pay for this project; property taxes only pay for community projects, such as the Lake Powell pipeline or Coal Creek improvements.

Future projects

Phase 1 is the first project of many phases. Phase 2 will provide help to the small water systems south of Highway 56, and Phase 3 will connect that to the Three Peaks pipeline.

"This is the first phase of probably many phases of the water conservancy district," Crane said.

By doing more projects, Wilson hopes to help small water companies, who are struggling to meet state standards and update their water infrastructure.

"They're just having a very difficult time keeping pace," he said. "We hope that by providing a regional solution that we have allowed the creation of the last independent water company in our jurisdiction."

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washingtonpost.com

Study: Water Contaminant Can Cause Cancer

By JOHN HEILPRIN

The Associated Press

Thursday, July 27, 2006; 8:42 PM

WASHINGTON -- Growing scientific evidence suggests the most widespread industrial contaminant in drinking water _ a solvent used in adhesives, paint and spot removers _ can cause cancer in people.

The National Academy of Sciences reported Thursday that a lot more is known about the cancer risks and other health hazards from exposure to trichloroethylene than there was five years ago when the Environmental Protection Agency took steps to regulate it more strictly.

"Armed with the results from the NAS review, EPA will aggressively move forward" on a new risk assessment of TCE, spokeswoman Jennifer Wood said Thursday. "EPA will determine whether or not to address the drinking water standard once the risk assessment is complete."

TCE, which is also widely used to remove grease from metal parts in airplanes and to clean fuel lines at missile sites, is known to cause cancer in some laboratory animals. EPA was blocked from elevating its assessment of the chemical's risks in people by the Defense Department, Energy Department and NASA, all of which have sites polluted with it.

TCE is a colorless liquid that evaporates at room temperatures and has a somewhat sweet odor and taste. It is one of the most common pollutants found in the air, soil and water at U.S. military bases. Until the mid-1970s, it also was used as a surgical anesthetic.

It also has been found at about 60 percent of the nation's worst contaminated sites in the Superfund cleanup program, the academy said.

Its 379-page report recommends that EPA revise its assessment of TCE's risks using "currently available data" so no more time is wasted.

That's a step that could lead to stricter regulations. EPA currently requires limiting TCE to no more than 5 parts per billion parts of drinking water. A stricter regulation could, in turn, force the government to require more thorough cleanups at military and other sites.

Rep. Maurice Hinchey, D-N.Y., said the report should prompt the government to move faster in cleaning up TCE contamination like that found in his home state and nationally.

"It is no longer acceptable for the government and local polluters to claim that health risks associated with TCE are simply scientific theory when we know that they are compelling scientific fact," said Hinchey, who is on the Appropriations subcommittee that oversees the environment.

A committee of academy experts said "a large body of epidemiologic data is available" on TCE showing the chemical is a possible cause of kidney cancer, reproductive and developmental damage, impaired neurological function and autoimmune disease.

"The committee found that the evidence on carcinogenic risk and other health hazards from exposure to trichloroethylene has strengthened since 2001," the report said. "Hundreds of waste sites are contaminated with trichloroethylene, and it is well documented that individuals in many communities are exposed to the chemical, with associated health risks."

In 2001, EPA issued a draft document saying the risks of TCE causing cancer in humans were higher than previously thought. But that pronouncement was dropped after other federal agencies accused EPA of inflating the risks.

To mediate the issue, the Bush administration asked the academy to study the issue.

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County's water report under fire

Mountain Regional, Summit Water 'two really good companies,' concurrency officer says

Patrick Parkinson, Of the Record staff
Park Record

The five largest water providers in the Snyderville Basin are "in pretty good shape" for keeping thirsts quenched for the foreseeable future, the county's water concurrency officer declared.

"We're not going to run out of water until we run out of money," said Pinebrook resident David Hedderly-Smith, an independent contractor who monitors for Summit County whether companies in Snyderville have enough water.

The county's water concurrency ordinance requires water providers on the West Side prove each year to the government that ample supply exists for customers and new growth.

Summit County's Mountain Regional Water Special Service District, Summit Water Distribution Company, Gorgoza Mutual Water Company and smaller providers in Silver Creek and Highland Estates recently received clean bills of health, Hedderly-Smith said.

"Gorgoza is always a little bit tight," he said, adding that High Valley Water Company, which serves homeowners in Highland Estates, is "maxed out."

Speaking about concurrency ratings for the two largest water providers in Snyderville, Hedderly-Smith said Mountain Regional and Summit Water each "have got a whole lot of water."

"Those are two really good companies," he said.

Mountain Regional currently serves about 3,395 customers, Hedderly-Smith said, adding that, the private Summit Water Distribution Company has 3,177 customers.

"They're fighting for the same market," he said about the two competitors.

With a system capacity of 4,362 gallons per minute, Mountain Regional can provide water to 1,426 additional connections, Hedderly-Smith said.

But attorneys for Summit Water Distribution Co. have attacked Mountain Regional's concurrency rating in court.

They claim county officials are illegally diverting water from the Weber River into Mountain Regional's wells in Peoa.

"In water, it's always about doing it right, you don't ever want it to come back to you," said John Flitton, an attorney for Summit Water Distribution Co. "They apparently were not getting enough water from those wells, so they decided, well, we'll just breach the channel."

The Utah Division of Water Rights is investigating whether Mountain Regional officials broke the law in altering the stream.

"No matter how the engineer wants to couch it, they don't have approval for diversions out of the river," Flitton said.

Mountain Regional Water General Manager Andy Armstrong insists the county has broken no laws.

"[The state] expressed concerns that they had from a permitting standpoint," Armstrong told the Summit County Commission. "The ball was in their court, in that, we have given them some correspondence."

State officials started investigating the county before Summit Water sued Mountain Regional June 30, Armstrong added.

According to Summit County Commissioner Bob Richer, Summit Water has challenged the water concurrency ratings "each and every year."

Last month's lawsuit asks Third District Court Judge Bruce Lubeck to determine that because of the alleged illegal diversion, Mountain Regional's 2006 concurrency rating is a sham.

An attorney for Summit County was not immediately available for comment.

"The county is trying to protect the public with this ordinance and they should be held to the same standards as everyone else," Flitton said. "The whole purpose is to not put people at risk and to not put their substantial investments at risk."

Meanwhile, Summit Water could serve an additional 1,968 connections, Hedderly-Smith said.

With capacity to provide 4,425 gallons per minute, Summit Water's supply is the largest in the county.

But when the concurrency ordinance was adopted about four years ago, county officials claimed Summit Water had only 50 connections, Flitton said.

"The county imposed this concurrency ordinance on us and we have fought it," he added during a recent telephone interview. "I still don't like [the concurrency ordinance] but we've learned to live with it because it was meant to protect the public."

Ratings for other Basin water providers in 2006 included:

Gorgoza Mutual Water Company system capacity: 1,438 gallons per minute; 41 available connections

High Valley Water Company system capacity: 201 gallons per minute; 0 available connections

Service Area No. 3 in Silver Creek system capacity: 344 gallons per minute; 240 available connections

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The Salt Lake Tribune

http://www.sltrib.com

Article Last Updated: 7/26/2006 01:13 AM

Water system considered in E. coli cases

In Hyrum: Officials may never know the cause

The Associated Press

Salt Lake Tribune

HYRUM - Health officials say there's "a good possibility" the water system was the source of E. coli cases in Hyrum but they may never be able to say for sure.

The Bear River Health Department's investigation into the cases is winding down, and the agency's final report is expected to be issued soon.

Department officials have divided the five confirmed cases into two groups and eliminated the possibility of hamburger as the source in one of the groups.

Residents of Hyrum's High Valley subdivision account for three of the cases, and the bacteria was also detected in two Hyrum brothers who reportedly visited the subdivision for a preschool graduation party in May.

Lloyd Berentzen, director of the Health Department, said the brothers' cases are linked with that of Karen Pixton, 32, who tested positive for E. coli in June. He said the cases of 16-month-old Emily Sanders and 6-year-old Logan Stout are connected.

"The two [cases] are definitely connected, and the three are definitely connected, but they are not connected together," Berentzen said.

Hamburger has been ruled out in the cases of Pixton and the brothers, but not in the other two.

Several residents have speculated that the source of the E. coli is Hyrum's culinary water.

The city had installed a new water line recently underneath 300 North.

"I think it had something to do with that water," Pixton said. "Right now, the water's safe, but something happened when they were working on the line. I don't know if it was a break, a leak, a bad seal, but it's too coincidental for this many people to be sick in the same subdivision and not have water be the cause."

City officials contend that all tests that have been conducted show Hyrum's water has been free of contaminants.

"There's no indication that there was ever a problem with the construction and the new pipes," said Councilman Martin Felix. "There's so many sources that E. coli could come from. The testing that the Health Department has done shows that there's been no contamination in the city water."

However, Berentzen said the Health Department has not eliminated the culinary water as a possibility.

"In fact, that's probably a good possibility, but we've not said that it's from the water because we don't know," he said. "We're still pursuing some things to try to link these things further. We may never know the exact source of contamination."

**MAYOR'S CORNER: Don't make us turn off your taps**

Written by Mayor Patrick Dunlavy

Tuesday, 25 July 2006

Water, it's very important to our everyday lives. It's also absolutely essential to conserve it. We've all heard it over and over that we live in a desert. It's true. We need to do our part, each of us, to conserve this precious resource. With the growth that has taken place in our city over the past few years it's been very difficult to keep pace.

We are now aggressively dealing with this important problem. I'm asking each of you to voluntarily cut back on your outside watering. If you will do this, coupled with the construction of two new wells we are putting in this summer, it will help dramatically. It will not totally solve the problem, but will allow us time to adequately plan for the future.

The simple fact is all of us use water way too much. Our parks and cemetery are all on secondary water with the exception of the New England Acres Park and Parker's Park, so they do not affect our culinary system. Even though they are not being watered with culinary water, we are cutting back their usage to help Settlement Canyon and Middle Canyon Irrigation Companies conserve theirs.

We are not alone in this, every city in Utah deals with these issues. We have had well No. 12 go down and it is one of the higher producing wells. Until it's repaired, there are going to be periods of low pressure. If we don't change our watering habits there may even be some areas that may be temporarily without water.

We are in a very critical period.

The city is prepared to restrict outside watering significantly and to aggressively enforce those restrictions. I see our neighbors water during the day for very long periods. I also see watering during rain storms. We need to change our habits. Each of us must do our part, stop watering your outside areas as often as you have, that alone will help. If each of us doesn't do this, we may be required to restrict all outside watering for periods of time. It is that critical.

The city is cutting back our watering significantly; we asked the schools and church to do the same. I'm asking for your help in being part of the solution in our city.

Patrick Dunlavy is the mayor of Tooele City.

Last Updated (Tuesday, 25 July 2006)

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State senator, developer named in antitrust case

Water attorney claims e-mails are 'smoking guns'

Patrick Parkinson, Of the Record staff
Park Record

A Park City developer and a member of the Utah Senate were added to the defendants named in a multi-million dollar antitrust lawsuit that pits Summit Water Distribution Co. against three former Summit County commissioners and the county's Mountain Regional Water Special Service District.

Former Commissioners Shauna Kerr, Patrick Cone and Eric Schifferli conspired illegally with Parkite Jim Doilney and Summit County deputy attorney David Thomas to take the private Summit Water Distribution Co. through eminent domain, Summit Water President Hy Saunders claims in a lawsuit originally filed in Third District Court in 2001.

Mountain Regional executive Doug Evans is also a defendant in the case.

"This scheme allegedly involved Mountain Regional Water Special Service District being set up as a competitor and an ordinance being passed by the county," a July 6 ruling and order from Third District Court Judge Bruce Lubeck states.

The decision allowed for Doilney and Thomas to be added as defendants and rejected a request from the California engineering firm, Montgomery Watson Harza, that the business and its employee, Todd Jarvis, be dismissed as defendants.

"Montgomery Watson did conspire with Mountain Regional and Summit County as an independent contractor to attempt to remove Mountain Regional from the market," Summit Water attorney Bob Campbell said during a telephone interview Monday.

Jarvis helped draft the county's water concurrency ordinance, which was used to propagate misinformation about Summit Water's supply, he added.

Assisting Summit County in the takeover of the Snyderville Basin water market would earn the firm the reputation as a "great leader in water engineering," Campbell said.

Meanwhile, as a "chief conspirator" in the alleged scheme to monopolize the water market, Thomas was "interested in becoming the great power broker in county government," Campbell alleged.

Thomas also represents Weber and Davis counties on Capitol Hill and is serving his first term in the state Senate. He was defeated in a Republican primary election June 27.

Summit County entered the water market about six years ago and incurred about \$33 million in debt as officials bought water resources in western Summit County to form its Mountain Regional Water Special Service District. The antitrust lawsuit was filed after county commissioners failed in their attempt to condemn Summit Water Distribution Co.

In exchange for providing water for Mountain Regional, Doilney received "millions of dollars for unproven water resources, the reservation of hundreds of water connections for developments and home sites which had been neither approved nor permitted and favorable development considerations from Summit County," court documents filed by Campbell state.

Doilney wouldn't comment about the lawsuit when contacted Tuesday.

"It's disappointing," Summit County Attorney David Brickley said Monday. "There is no factual basis to support [Thomas or Doilney] being named as defendants and the judge even acknowledges that, but he's going to allow it to happen."

Government officials acting on behalf of the public are not liable for damages under the Utah Antitrust Act.

"[Summit County claims] Doilney is added only to preserve [Summit Water's] alleged monetary damage claim," Lubeck's 27-page ruling and order states.

Campbell insists private individuals in the case could be held liable for more than \$15 million in damages.

Within two weeks, Campbell said he expects to begin obtaining e-mails from the hard drives of defendants in the case that prove government officials conspired with private enterprise in attempts to eliminate Summit Water Distribution Co. from the market.

"We understand that there are over 900 documents that they have refused to produce," Campbell said. "The devil is in the details of this case there are already some smoking-gun e-mails."

Board

deseretnews.com

Deseret Morning News, Saturday, July 15, 2006

Utah discounts date for signing water deal

By Joe Bauman

Deseret Morning News

A state water official is discounting a date on a draft groundwater agreement between Utah and Nevada that seemed to indicate the document would be signed Sept. 5, before adequate impact studies are completed.

The draft document, which was posted on the Internet on the Utah government Web site, concerns the proposal by Southern Nevada Water Authority, Las Vegas, to pump 25,000 acre-feet of underground water from Snake Valley and send it to Las Vegas. The authority also wants to pump 91,000 acre-feet from Spring Valley, which is entirely within Nevada.

Some Utah officials, ranchers and conservationists are concerned about the Snake Valley proposal because it would tap into an underground aquifer that runs along the border of both states. A concern often expressed is that the project could take water needed by Utah ranchers and the environment.

Under a law sponsored by Sen. Harry Reid, D-Nev., called the Lincoln County Conservation, Recreation, and Development Act of 2004, Utah and Nevada are to enter into an agreement about the groundwater use before any Snake Valley water can be diverted from its basin.

Studies are going on to determine the effect of pumping water there.

Meanwhile, a boilerplate-type draft agreement posted on the Internet has places where specific figures would be filled in later concerning water use. It has provisions such as the need to monitor water use, including meters to show how much is used by anyone with water rights of 10 acre-feet or more per year.

At the bottom of the document are spaces for the signatures of Allen Biaggi, director of the Nevada Department of Conservation and Natural Resources, and Michael R. Styler, executive director of the Utah Department of Natural Resources.

Immediately above the signature lines is the supposed date of the signatures: "DONE at the City of Baker, Nevada, this fifth day of September, AD Two Thousand and Six."

That date, as far as some ranchers and environmentalists are concerned, is too soon. By then, extensive studies may not be completed on impacts of various levels of water withdrawals, they say.

But Boyd Clayton of the Utah Division of Water Resources says the Sept. 5 date isn't significant.

"No, it was the first draft" of the potential agreement, he said. Just as no actual figures are filled in for acre-feet to be used, the date does not represent the real time of the signing, he said.

Clayton added that he has no idea when an agreement will be signed.

E-mail: bau@desnews.com

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AGENDA ITEM 11

LETTERS



State of Utah

Department of
Environmental Quality

Dianne R. Nielson, Ph.D.
Executive Director

DIVISION OF DRINKING WATER
Kevin W. Brown, P.E.
Director

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

August 18, 2006

The Honorable Robert Bennett, Senator
United States Senate
431 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Senator Bennett:

Subject: Small System Affordability

The Safe Drinking Water Act (SDWA) of 1974 was enacted, in large part, to ensure that Americans have access to safe drinking water – no matter what part of the country they live or travel in. I am writing to express my concern about a decision that the U.S. Environmental Protection Agency (EPA) will shortly make that could have long lasting negative repercussions in small towns in my state (and across the country) as well as routinely expose people in small communities to greater health risks than their counterparts in medium and large communities. I ask that you communicate the concerns discussed below to EPA, as the Agency considers this an important matter.

Under the provisions of the 1996 SDWA amendments, when EPA develops a new drinking water regulation, it must ensure that the regulation is affordable for the small public water systems (defined as those serving less than 10,000 people). If the regulation is deemed to be unaffordable, EPA must establish a different, less stringent regulatory level for small systems and specify an alternative, less expensive treatment technology for such systems. Congress did not define "affordable" in the amendments, but left it up to EPA's discretion. When Congress included this provision in the statute, it was, I believe, reacting to the very real concern that drinking regulations are often more expensive to implement for the small public water systems rather than the larger public water systems. Small public water systems typically have more limited economies of scale, as compared to larger systems, and are often challenged in terms of their technical, managerial, and financial capacity.

Since the late 1990's, EPA has been using a definition of "affordability" which sets a very high threshold (2.5% of the median household income on a cumulative basis), and would likely never be triggered. Thus, I understand and support EPA's recently announced plan to reconsider its approach and revise the threshold. Unfortunately, I do *not* support and am distressed by the particular options that EPA solicited comments on in their March 2, 2006 *Federal Register* notice. The gist of the notice has several alternative means of determining "affordability" – all of which would tend to trigger the "unaffordability" finding on a *frequent* basis, coupled with an alternative regulatory level for small systems of *three* times the safe level EPA establishes for medium and large communities.

The Agency's proposed approach would have the net result of declaring most future rules unaffordable for small systems, and setting a process in motion that would routinely expose small communities to considerably higher health risks than the medium and larger communities. In the notice, EPA justified a scenario by noting it would provide flexibility to small communities, and allow them to decide, on a case-by-case basis, whether or not they wish to have water that meets the same safety levels as the medium and large communities or to have a less protective level. However, I believe that small communities will be ill-equipped to evaluate relative risks of higher levels of contaminants in their drinking water as compared to other health risks they may face in their communities. I also believe the proposed approach would lead to a chaotic system in which many small communities would routinely face greater health risks than their big city counterparts. One could frequently encounter situations where crossing community boundaries or state lines means being exposed to different levels of health risks from drinking water – precisely the kind of situation the original framers of the statute were seeking to avoid.

I am especially troubled by the portion of EPA's *Federal Register* notice that would set the alternative level for small systems at three times the normal safe level. That aspect of the proposal raises some fundamental questions about the rule development process. If regulatory levels are deemed overly protective to the point that a 3X multiple of the regulatory level is still considered adequately protective, then the basis for the rules themselves is called into question. Further, one could easily envision a backlash coming from the medium and larger communities who might ask why they are paying a premium for drinking water that meets more stringent requirements than the levels that EPA declares "safe" for small communities. I strongly recommend that the Agency work toward gathering sufficient data and information to reduce the uncertainty (and associated stringency) of rules, wherever possible and appropriate. Presumably, a rule that sets a level that represented less uncertainty would be one that water systems – both large and small – were better able to meet economically.

Senator Robert Bennett

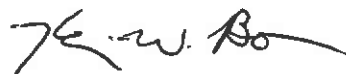
Page 3

August 18, 2006

I believe the affordability approach EPA uses should be one that triggers "unaffordability" findings relatively infrequent, rather than routinely. I do not believe that a two-tier health protection scheme -- one level for customers of small systems and another, more protective level for everyone else -- was intended to be the norm or to be triggered routinely. Further, I understand that a broadly constituted advisory group to the EPA, the National Drinking Water Advisory Council (comprised of representatives from water utilities, states, the Centers for Disease Control, local health departments, health care professionals, etc.) provided what it considered to be a well reasoned and workable recommendation to EPA in April 2003 (and ratified that recommendation again in June 2006). I believe the Agency should be directed to carefully consider and hopefully adopt that important recommendation. At the same time, I believe EPA, states, and water utilities (with support where necessary from Congress) should use the full arsenal of tools available to assist small systems (e.g., grants to disadvantaged water systems, low interest loans, innovative technologies, technical assistance, and more time to comply, etc.)

For all of the reasons mentioned above, I am asking that you communicate your concern to Stephen L. Johnson, the Administrator of EPA, about the recent *Federal Register* notice on this subject, and direct the Agency to consider the recommendations from its own advisory group, the National Drinking Water Advisory Council, in this matter. Thank you for considering these concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin W. Brown". The signature is fluid and cursive, with the first name "Kevin" and last name "Brown" clearly distinguishable.

Kevin W. Brown, P.E.
Director

KWB



State of Utah

Department of Environmental Quality

Dianne R. Nielson, Ph.D.
Executive Director

DIVISION OF DRINKING WATER
Kevin W. Brown, P.E.
Director

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Kevin W. Brown, P.E.
Executive Secretary

JON M. HUNTSMAN, JR.
Governor

GARY HERBERT
Lieutenant Governor

August 9, 2006

John Johnson
Mountain View Community Park, LLC
7 South Main Street, Suite 201
Tooele, Utah 84074

Dear Mr. Johnson:

Subject: Violation of Rules and Penalty Notice Response Letter

This is the Division of Drinking Water ("DDW") reply to your July 11, 2006 response letter to the Violation of Rules and Penalty Notice, Water System 20034 issued June 13, 2006. DDW received your request for a hearing before the Drinking Water Board. DDW will coordinate with the Attorney General's office to schedule a hearing. Once the hearing date has been confirmed, you will be notified by letter as to the specific time, location and date.

You also asked about Community/Transient Non-Community System classification. A Community Water System "means a public drinking water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents." The Mountain View System has 10 active connections and one vacant trailer. One of the 10 active connections serves a camp trailer, which has been there for a year. One other active connection serves a mobile home trailer. The remaining 8 active connections serve mobile home coaches that have skirts on them and serve approximately 36 people. Thus, this system serves 25 or more people which qualifies as a "Community" type system.

Additionally, Mountain View's Transient Non-Community System classification was contingent upon operation of a Recreational Vehicle Park. The Bilateral Compliance Agreement ("BCA") which you entered into on August 28, 2004 included the following provision:

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2. The Mountain View Community Park, LLC Drinking Water System is currently classified as a Community-Privately Owned. System representatives indicated on March 9, 2004 that they are planning on changing the operational status of the Mountain View Community Park to a Recreational Vehicle Park in the near future. **If this is accomplished, the system will be classified as a Transient Non-Community System.**

In your e-mail dated May 2, 2006, at 2:28 p.m., you stated: "And though we eventually will operate as an RV Park, **we are not now and we won't** until the water storage and other issues are resolved." (Emphasis added). Therefore, you are not in compliance with the BCA.

Please refer any questions to Ken Bousfield, of my staff, at (801) 536-4207.

Sincerely,



Kevin W. Brown, P.E.
Executive Secretary

JHO

cc: Ken Bousfield, Compliance Manager
John Oakeson
Roger Foisy, P.E., District Engineer
Bruce Costa, EHS, Central Utah Public Health Department
M. M. Hubbell, Attorney General's Office

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